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2  
3 BILL NO. G-78-09-27

4 GENERAL ORDINANCE NO. G-26-78

5 AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,  
6 CONCERNING THE CONSTRUCTION OF EXTENSIONS AND  
7 ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND  
8 OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE  
9 OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF,  
10 AND MATTERS CONNECTED THEREWITH.

11 WHEREAS, the City of Fort Wayne is the Owner of and  
12 operates an unencumbered waterworks furnishing the public water  
13 supply to said City and its inhabitants; and

14 WHEREAS, the Board of Public Works, having the manage-  
15 ment of said waterworks, has determined, and the Council now finds  
16 that said waterworks is in need of certain extensions and additions,  
17 consisting of renovating and expanding the water filtration plant  
18 and of making additions and improvements to the St. Joseph Dam and  
19 Pump Station; that said extensions and additions are required in  
20 order to protect properly the health, well-being and property of  
21 the City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined that  
23 the cost of the proposed extensions and additions, based upon  
24 construction bids received and estimates as to contingencies and  
25 incidental expenses, will be Eighteen Million Dollars (\$18,000,000),  
26 and has represented to the Council, and the Council now finds,  
27 that, subject to the approval of the Public Service Commission of  
28 Indiana, funds for said project should be provided by the issuance  
29 and sale of revenue bonds payable solely out of the revenues of  
30 said waterworks and not constituting a general obligation of the  
31 City; that such revenue bonds may be issued provided that the same  
32 are made on a parity with the bonds authorized by General Ordinance  
33 No. G-95-67, as amended by General Ordinances No. G-104-67 and  
34 G-110-67, and designated as "Waterworks Revenue Bonds of 1967",  
35 issued under date of November 1, 1967, and now outstanding in the  
amount of Two Million Seven Hundred Sixty-Five Thousand (\$2,765,000),  
maturing serially over a period ending on January 1, 2000, and the  
bonds authorized by General Ordinance No. G-29-68 and designated

1 as "Waterworks Revenue Bonds of 1968", issued under date of  
2 December 1, 1968, and now outstanding in the amount of Two Million  
3 Nine Hundred Sixty-Five Thousand Dollars (\$2,965,000), maturing  
4 serially over a period ending on January 1, 2000; and that the  
5 revenues of the City's waterworks will be sufficient to provide  
6 for the operation and maintenance thereof, depreciation, and the  
7 servicing of said outstanding revenue bonds and the revenue bonds  
8 authorized by this ordinance, provided that the water rates and  
9 charges are increased concurrently herewith; and that it would be  
10 to the best interests of the City and its citizens to proceed with  
11 the proposed extensions and additions to the City's waterworks;  
12 now therefore,

13 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
14 WAYNE, INDIANA:

15 Section 1. That the City of Fort Wayne (hereinafter  
16 sometimes referred to as the "City"), being the owner of and  
17 engaged in operating an unencumbered waterworks supplying the City  
18 and its inhabitants with water for public and domestic use, now  
19 provide for certain needed extensions and additions to such water-  
20 works and the payment for such extensions and additions by the  
21 issuance of bonds payable from the revenues and receipts of said  
22 waterworks, pursuant to and in the manner prescribed in the Indiana  
23 Code of 1971, Title 19, Article 3, Chapter 17, and the laws  
24 amendatory thereof and supplemental thereto (sometimes hereinafter  
25 referred to as the "Act"). The terms "waterworks", "waterworks  
26 system", and "system", wherever used in this ordinance shall be  
27 construed to mean and include the existing waterworks owned by the  
28 City of Fort Wayne, and all extensions, additions and improvements  
29 thereto and replacements thereof now or subsequently constructed  
30 or acquired.

31 Section 2. Said extensions and additions shall include  
32 the renovating and expansion of the water filtration plant and  
33 making of additions and improvements to the St. Joseph Dam and  
34 Pump Station, all of which shall be constructed and installed in  
35 accordance with the plans and specifications prepared by McNamee,

1       Porter and Seeley, consulting engineers of Ann Arbor, Michigan,  
2       which plans and specifications are made a part hereof by reference  
3       and are hereby approved. To provide for the issuance and sale of  
4       revenue bonds, the Board of Public Works in Resolution No.  
5       66-133-23 dated August 16, 1978 has heretofore approved the  
6       employment of Ice, Miller, Donadio and Ryan as bond counsel, and  
7       agreement with William N. Salin to provide services relative to  
8       the undertakings herein authorized, and the employment of Bernard  
9       T. Perry as financial consultant, which Resolution and agreements  
10      are made a part hereof by reference and are hereby approved. The  
11      Board of Public Works is hereby authorized to proceed with the  
12      construction and installation of said extensions and additions,  
13      and to enter into all contracts necessary for such purpose in  
14      conformity with the provisions of this ordinance and of said Act;  
15      provided that the principal and interest of all bonds issued  
16      pursuant to this ordinance shall be paid solely and exclusively  
17      from the revenues of said waterworks system and that no bonds shall  
18      be issued or sold until the approval of the Public Service Commis-  
19      sion of Indiana shall have been obtained for the issuance of such  
20      bonds, and said Commission shall have certified that the estimated  
21      income and revenues of the waterworks system under the increased  
22      rates, in addition to providing for operation, maintenance and  
23      depreciation of said system, are sufficient to pay the interest on  
24      and the principal of the outstanding bonds payable out of the  
25      revenues of the waterworks system and the interest on and princi-  
26      pal of the bonds authorized by this ordinance. The Mayor and  
27      Board of Public Works are hereby authorized to file a proper  
28      petition with the Public Service Commission for the purpose of  
29      securing the required approval of said Commission.

30                   Section 3. The income and revenues of the City's water-  
31       works system shall be set aside into a separate and special fund  
32       to be used and applied in the maintenance and operation thereof,  
33       in establishing a depreciation account, and to the payment of the  
34       interest on and principal of the bonds authorized by General

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1       Ordinance No. G-95-67 (as amended by General Ordinances No.  
2       G-104-67 and G-110-67), and General Ordinance No. G-29-68, and  
3       by this ordinance, and such other bonds as may be legally payable  
4       out of the income and revenues of the waterworks, in accordance  
5       with their respective priorities and provisions. The proportion of  
6       the gross revenues of said waterworks that shall be paid into the  
7       several accounts of said special fund, beginning as of the date of  
8       issuance of the bonds herein authorized, is hereby fixed and  
9       determined as follows:

10       (a) Operation and Maintenance Account. Sixty-one and  
11       four tenths per cent (61.4%) of the gross revenues of said water-  
12       works shall be set aside into the Operation and Maintenance Account,  
13       and shall be used solely to pay the necessary costs of the reason-  
14       able and proper operation and maintenance of the waterworks,  
15       including any taxes required to be paid. The necessary cost of  
16       the reasonable and proper operation and maintenance of the water-  
17       works shall, in addition to the usual items chargeable to operation  
18       and maintenance, be deemed to include payments to the Civil City  
19       of Fort Wayne in lieu of taxes which would be payable if the  
20       waterworks were a privately-owned utility; provided, however, that  
21       no payments on account of said additional item shall be made which  
22       will in any wise adversely affect or jeopardize the continued  
23       operation of the waterworks or interfere with the payment of  
24       current operating and maintenance charges as the same accrue. The  
25       funds so set aside for operation and maintenance shall be applied  
26       exclusively to that purpose until a surplus shall have been  
27       accumulated in said account which will be equal to the cost of  
28       maintaining and operating the system during the remainder of the  
29       calendar, operating or fiscal year then current, and the cost of  
30       maintaining and operating said system during the calendar,  
31       operating or fiscal year then next ensuing. Any excess over such  
32       surplus may be transferred to the Depreciation Account, or the  
33       Bond and Interest Redemption Account hereinafter referred to.

(b) Depreciation Account. Twelve and two tenths per cent (12.2%) of the gross revenues of said waterworks shall be set aside into the Depreciation Account and shall be expended in making good depreciation in the waterworks or in new construction, extensions or additions to the property of the waterworks. Any accumulations in said Depreciation Account not required for immediate use may be invested in direct obligations of the United States Government to the extent permitted by law, and if so invested the income from the investment shall accrue to the Depreciation Account. The funds in said account shall not be used for any purpose other than as herein provided.

(c) Bond and Interest Redemption Account. Twenty-six and four tenths per cent (26.4%) of the gross revenues of the waterworks shall, as such revenues are received, be set apart and paid into a special account to be identified as the "Bond and Interest Redemption Account". The funds in said account shall be used solely for the purpose of paying the interest on and principal of the Waterworks Revenue Bonds of 1967, issued pursuant to General Ordinance No. G-95-67 (as amended by General Ordinances No. G-104-67 and G-110-67), the Waterworks Revenue Bonds of 1968, issued pursuant to General Ordinance No. G-29-68, the bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued ranking on a parity therewith, to the extent required for that purpose. If and when a surplus shall be created in said Bond and Interest Redemption Account which shall be in excess of the interest on and principal of the bonds, plus ten per cent (10%), which are payable during the then current calendar, operating or fiscal year, together with the amount of interest on and principal of the bonds which will become due and payable during the calendar, operating or fiscal year then next ensuing, then any excess over such surplus may be transferred to either the Operation and Maintenance Account or the Depreciation Account. In the event any of the bonds payable out of said Bond and Interest Redemption Account shall be

1       subject to redemption prior to maturity, any such excess over such  
2       surplus may also be used in the redemption of outstanding bonds at  
3       not more than the redemption prices and in accordance with the  
4       redemption provisions applicable thereto.

5           All of the funds of said several accounts shall be  
6       deposited in lawful depositories of the City and shall be continu-  
7       ously held and secured, or invested as provided by the laws of  
8       Indiana relating to the depositing, securing and holding, or  
9       investing of public funds. In no event shall any of the revenues  
10      of said waterworks be transferred or used for any purpose not  
11      authorized by this ordinance or reasonably implied by the provi-  
12      sions hereof, so long as there are outstanding any bonds payable  
13      out of the income and revenues of the City's waterworks.

14           Section 4. For the purpose of procuring funds with  
15       which to pay the cost of construction and installation of the  
16       extensions and additions to its waterworks, the City shall issue  
17       its revenue bonds under and pursuant to the provisions of the  
18       ordinance and said Act, which bonds shall be payable only out of  
19       the special Bond and Interest Redemption Account herein provided  
20       for, and shall be designated as "Waterworks Revenue Bonds of 1978".  
21       Said bonds shall be in a principal amount not exceeding Eighteen  
22       Million Dollars (\$18,000,000), in the denomination of Five Thousand  
23       Dollars (\$5,000) each, numbered consecutively from 1 up, dated as  
24       of the first day of the month in which said bonds are sold, and  
25       shall bear interest at a rate or rates not exceeding six and  
26       one-half per cent (6-1/2%) per annum (the exact rate or rates to  
27       be determined by bidding), which interest shall be payable semi-  
28       annually on January 1 and July 1 of each year, beginning on  
29       July 1, 1979, and shall be evidenced by coupons attached to  
30       said bonds. Both bonds and interest coupons shall be payable at  
31       the Indiana Bank and Trust Company of Fort Wayne, in the City of  
32       Fort Wayne, Indiana, or, at the option of the holder, at the  
33       American National Bank and Trust Company of Chicago, in the City  
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1 of Chicago, Illinois, or at the Manufacturers Hanover Trust Company,  
2 in the Borough of Manhattan, City and State of New York, in lawful  
3 money of the United States of America, and said bonds shall mature  
4 serially on January 1 in the years and amounts as follows:

	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
6	1980	310,000	1988	525,000	1996	865,000
	1981	330,000	1989	560,000	1997	915,000
7	1982	345,000	1990	595,000	1998	970,000
	1983	370,000	1991	635,000	1999	965,000
8	1984	390,000	1992	675,000	2000	1,025,000
	1985	425,000	1993	720,000	2001	1,555,000
9	1986	455,000	1994	770,000	2002	1,650,000
	1987	490,000	1995	820,000	2003	1,640,000

10 The bonds of this issue maturing on January 1, 1990, and  
11 thereafter, shall be redeemable at the option of the City, in whole  
12 or in part, in inverse chronological order of maturity and by lot  
13 within a maturity, on July 1, 1989, or any interest payment date  
14 thereafter, at face value, together with the following premiums:  
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16       3% if redeemed on July 1, 1989, or thereafter on  
17       or before January 1, 1991;

18       2% if redeemed on July 1, 1991, or thereafter on  
19       or before January 1, 1996;

20       1% if redeemed on July 1, 1996, or thereafter prior  
21       to maturity;

22 plus in each case accrued interest to the date fixed for redemption.

23 Notice of such redemption shall be published at least thirty (30)  
24 days prior to the date fixed for redemption at least one time in  
25 a newspaper or financial journal of general circulation published  
26 in the City of Indianapolis, Indiana, and a financial journal of  
27 general circulation published in the City of New York, New York,  
28 and a like notice shall be sent by mail to the holders of such  
29 bonds as are then registered. The notice shall specify the date  
30 and place of redemption and the serial numbers of the bonds called  
31 for redemption. Interest on the bonds so called for redemption  
32 shall cease on the date fixed in said notice, if funds are avail-  
33 able at the place of redemption to redeem the bonds when presented.

34                   Section 5. Said bonds shall be executed in the name of  
35 the City by the facsimile signature of the Mayor, countersigned by

1 the facsimile signature of the City Controller, and attested by  
2 the manual signature of the City Clerk, who shall affix the seal  
3 of the City to each of said bonds. The interest coupons attached  
4 to said bonds shall be executed by placing thereon the facsimile  
5 signatures of the Mayor and City Controller, and said officials,  
6 by the execution of said bonds, shall adopt as and for their own  
7 proper signatures their facsimile signatures appearing on said  
8 coupons. In case any officer whose signature appears on the bonds  
9 and coupons shall cease to be such officer before the delivery of  
10 such bonds, his signature shall nevertheless be valid and suffi-  
11 cient for all purposes the same as if such officer had remained in  
12 office until such delivery.

13                   Said bonds shall be negotiable by delivery unless regis-  
14 tered. Upon presentation of the bonds at the office of the City  
15 Controller in the City of Fort Wayne, said City Controller shall  
16 register said bonds without charge or expense to the holder, as to  
17 the principal thereof. Such registry shall be noted on the bond,  
18 after which no transfer thereof will be valid unless made by the  
19 registered owner in person or by his attorney duly authorized and  
20 similarly noted on the bond, but said bond may be discharged from  
21 registry by being in like manner transferred to bearer, after which  
22 it shall be transferable by delivery but may be again registered  
23 as before. The registration of any bond shall not affect the  
24 negotiability of the interest coupons attached thereto, but such  
25 coupons shall continue to pass by delivery only and shall remain  
26 payable to bearer.

27                   Section 6. The form and tenor of said bonds, the inter-  
28 est coupons to be attached thereto, and the form of registry  
29 endorsement thereon shall be substantially as follows, to-wit:

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UNITED STATES OF AMERICA  
State of Indiana County of Allen

No. \_\_\_\_\_ \$5,000

CITY OF FORT WAYNE  
WATERWORKS REVENUE BOND OF 1978

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of January, 19    (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid, at the rate of                    per cent (           %) per annum, payable semi-annually on the first days of January and July of each year, beginning July 1, 1979, but only upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or, at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York.

This bond is one of an authorized issue of thirty-six hundred (3,600) bonds of the City of Fort Wayne, of like date, denomination, tenor and effect, except as to rates of interest and dates of maturity, in the total amount of Eighteen Million Dollars (\$18,000,000), numbered consecutively from 1 to 3600 inclusive, issued for the purpose of providing funds to pay the cost of extensions and additions to the municipally owned waterworks of said City, pursuant to an ordinance passed by the Common Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, entitled "An Ordinance of the City of Fort Wayne, Indiana, concerning the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith", and in strict compliance with the provisions of the governing statutes, particularly Title 19, Article 3, Chapter 17 of the Indiana Code, and all laws amendatory thereof or supplemental thereto.

The Principal of and interest on this bond and all other bonds of said issue, certain Waterworks Revenue Bonds of 1967, now outstanding in the principal amount of Two Million Seven Hundred Sixty-Five Thousand Dollars (\$2,765,000) issued under date of November 1, 1967, pursuant to General Ordinance No. G-95-67, as amended by General Ordinances No. G-104-67 and G-110-67, bearing interest at the rate of five per cent (5%) per annum, and maturing over a period ending on January 1, 2000, certain Waterworks Revenue Bonds

1 of 1968, now outstanding in the principal amount of  
2 Two Million Nine Hundred Sixty-Five Thousand Dollars  
3 (\$2,965,000), issued under date of December 1, 1968,  
4 pursuant to General Ordinance No. G-29-68, bearing  
5 interest at the rates of five and one-half per cent  
6 (5-1/2%) and five and forty hundredths per cent (5.40%)  
7 per annum, depending on the maturities, and maturing  
8 over a period ending on January 1, 2000, all ranking  
9 on a parity herewith, and any bonds hereafter issued  
10 ranking on a parity therewith, are equally and ratably  
11 secured by and constitute a charge upon twenty-seven  
12 per cent (27%) of the gross income and revenues of the  
13 municipally owned waterworks of the City, as the same now  
14 exists or may hereafter be improved or extended, which  
15 percentage of such income and revenues is to be deposited  
in a special account designated as the "Bond and Interest  
Redemption Account". The City shall not be obligated to  
pay said bonds or the interest thereon except from said  
special fund, and neither this bond nor the issue of which  
it is a part shall in any respect constitute a corporate  
indebtedness of the City within the provisions and limita-  
tions of the constitution of the State of Indiana.

16 The bonds of this issue maturing on January 1, 1990,  
17 and thereafter, are redeemable at the option of the City,  
18 in whole or in part, in inverse chronological order of  
19 maturity and by lot within a maturity, on July 1, 1989,  
20 or any interest payment date thereafter, at face value,  
21 together with the following premiums:

22 3% if redeemed on July 1, 1989, or thereafter  
23 on or before January 1, 1991;  
24 2% if redeemed on July 1, 1993 or thereafter  
25 on or before January 1, 1996;  
26 1% if redeemed on July 1, 1996, or thereafter  
27 prior to maturity;

plus in each case accrued interest to the date fixed for  
redemption; provided notice of such redemption shall be  
given at least thirty (30) days prior to the date fixed  
therefor by one publication in a newspaper or financial  
journal of general circulation published in the City of  
Indianapolis, Indiana, and a financial journal of general  
circulation published in the City of New York, New York,  
and a like notice be sent by mail to the holders of such  
bonds as are then registered. Interest on the bonds so  
called for redemption shall cease on the redemption date  
fixed in said notice, if sufficient funds are available  
at the place of redemption to redeem the bonds when  
presented in accordance with the terms thereof. The bonds  
so redeemed prior to maturity shall be surrendered for  
cancellation, together with all unmatured interest coupons  
appurtenant thereto.

The City covenants that it will, to the fullest  
extent permitted by law, fix, maintain and collect an  
aggregate of rates and charges for the services rendered  
by the City's waterworks system which will be sufficient  
to pay all costs of operation and maintenance of said  
system, to provide a proper and adequate depreciation  
account, and to create and maintain the sinking fund  
required for the payment of the interest on and principal  
of this issue of bonds and all other bonds payable from the  
revenues of the City's waterworks system, in accordance  
with the terms thereof, and that it will in all other respects

1 faithfully comply with all other provisions of the  
2 ordinance and statute pursuant to which this bond is  
3 issued. In the event the City shall make any default  
4 in the payment of the principal of or interest on this  
5 bond, the holder hereof shall have all of the rights  
6 and remedies provided by the governing statutes,  
7 including the right to compel the collection of suffi-  
8 cient rates and charges to provide for the payment of  
9 this bond and the interest thereon in accordance with  
10 the terms hereof.

11 This bond may be registered in the name of the  
12 owner in the manner and with the effect provided in the  
13 ordinance hereinbefore referred to, but unless registered  
14 this bond shall pass by delivery only. The registration  
15 of this bond shall not affect the negotiability of the  
16 interest coupons attached hereto, but said coupons shall  
17 continue to pass by delivery merely and shall remain  
18 payable to bearer.

19 It is hereby certified and recited that all acts,  
20 conditions and things required to be done or to exist  
21 precedent to and in the execution, issuance and delivery  
22 of this bond have been done and performed and exist in  
23 regular and due form as provided by law.

24 IN WITNESS WHEREOF, the City of Fort Wayne, in  
25 Allen County, State of Indiana, has caused this bond to  
26 be executed in its corporate name by the facsimile signature  
27 of its duly elected, qualified and acting Mayor, counter-  
28 signed by the facsimile signature of its duly appointed  
29 City Controller, its corporate seal to be hereunto affixed  
30 and attested by the manual signature of its duly elected,  
31 qualified and acting City Clerk, and the interest coupons  
32 attached hereto to be executed by placing thereon the  
33 facsimile signatures of said Mayor and City Controller,  
34 all of the first day of \_\_\_\_\_, 1978.

20 CITY OF FORT WAYNE  
21 By \_\_\_\_\_ (facsimile)  
22 Mayor

23 Countersigned:  
24 \_\_\_\_\_ (facsimile)  
25 City Controller

26 Attest:

27 City Clerk \_\_\_\_\_

28 (Interest Coupon)

29 Coupon No. \_\_\_\_\_ \$ \_\_\_\_\_

30 On 1, 19 \_\_\_\_\_  
31 (unless the bond herein mentioned shall be subject to and  
32 shall have been called for previous redemption), the City  
33 of Fort Wayne, Indiana, will pay to bearer at the Indiana  
34 Bank and Trust Company of Fort Wayne, in the City of Fort  
Wayne, Indiana, or, at the option of the holder, at the  
American National Bank and Trust Company of Chicago, in  
the City of Chicago, Illinois, or the Manufacturers  
Hanover Trust Company, in the Borough of Manhattan, City  
and State of New York, out of its waterworks Bond and  
Interest Redemption Account, the amount shown hereon, in  
lawful money of the United States of America, being the  
interest then due on its Waterworks Revenue Bond of 1978,  
dated 1, 1978, No. \_\_\_\_\_.

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1 CITY OF FORT WAYNE  
2 By \_\_\_\_\_ (facsimile)  
3 Mayor

4 \_\_\_\_\_ (facsimile)  
5 City Controller

6 REGISTRATION ENDORSEMENT

7 This bond can be registered only at the office of  
8 the City Controller of the City of Fort Wayne, Indiana.  
9 No writing hereon except by the City Controller.

10 \_\_\_\_\_ In Whose Name  
11 \_\_\_\_\_ Registered City Controller

12 Section 7. The City Controller is hereby authorized  
13 and directed to have said bonds and coupons prepared, and the  
14 Mayor, City Controller and City Clerk are hereby authorized and  
15 directed to execute said bonds and the coupons to be attached  
16 thereto in the form and manner hereinbefore provided. The City  
17 Controller shall sell said bonds at public sale. Prior to the  
18 sale of the bonds, the City Controller shall cause to be published  
19 a notice of sale once each for two weeks in the Fort Wayne Journal  
20 Gazette and the Fort Wayne News-Sentinel, published in the City of  
21 Fort Wayne. The City Controller shall be authorized to publish  
22 said notice or a summary thereof in The Indianapolis Commercial,  
23 published in the City of Indianapolis, Indiana, and in the Bond  
24 Buyer, published in the City and State of New York. The City  
25 Controller shall be authorized to make such additional publication  
26 as he shall deem advisable. The date fixed for the sale shall not  
27 be earlier than seven (7) days after the last of said publications.  
28 The bond sale notice shall state the time and place of sale, the  
29 total amount of bonds, the maximum rate of interest thereon, the  
30 maturities thereof, the purpose for which the bonds are being  
31 issued, the terms and conditions upon which bids will be received  
32 and the sale made, and shall set out such other information as the  
33 City Controller, acting on the advice of the City Attorney and bond  
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1       counsel, shall deem necessary. All bids for said bonds shall be  
2       sealed and shall be presented to the City Controller at his office.  
3       Bidders shall be required to bid for all of the bonds and to name  
4       the rate or rates of interest which the bonds are to bear, not  
5       exceeding the maximum rate hereinbefore fixed. Such interest  
6       rate or rates shall be in multiples of one-eighth (1/8) or  
7       one-tenth (1/10) of one per cent (1%), and not more than four (4)  
8       different interest rates shall be named by each bidder. A rate  
9       may be repeated without constituting a different rate. Bids  
10      specifying two or more interest rates shall also specify the amount  
11      and maturities of the bonds bearing each rate, but all bonds  
12      maturing on the same date shall bear the same rate. Each bid  
13      shall be accompanied by a certified or cashier's check, payable to  
14      the City of Fort Wayne, in the amount of One Hundred Thousand  
15      Dollars (\$100,000), as a guarantee of good faith. In the event  
16      the successful bidder shall fail or refuse to accept delivery of  
17      said bonds in accordance with his bid and the notice of sale,  
18      then said check and the proceeds thereof shall be the property of  
19      the City as its agreed liquidated damages. The City Controller  
20      shall award the bonds to the highest qualified bidder. The  
21      highest bidder shall be the one who offers the lowest net interest  
22      cost to the City, to be determined by computing the total interest  
23      on all of the bonds to their maturities and deducting therefrom  
24      the premium bid, if any. No bid for less than the par value of  
25      said bonds, including interest accrued to the date of delivery,  
26      shall be considered. The City Controller shall have the right to  
27      reject any and all bids. In the event no acceptable bid is  
28      received at the time fixed in said notice for the sale of said  
29      bonds, the City Controller shall be authorized to continue to  
30      receive bids from day to day thereafter for a period of not to  
31      exceed thirty (30) days without readvertisement; provided, however,  
32      that if said sale be continued, no bid shall be accepted which is  
33      lower than the highest bid received at the time fixed for said  
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1       sale in the bond sale notice. Prior to the delivery of said bonds  
2       the City Controller shall obtain a legal opinion as to the validity  
3       of the bonds from Ice Miller Donadio & Ryan, bond counsel of  
4       Indianapolis, acting as bond counsel for the City, and shall  
5       furnish such opinion to the purchaser of the bonds. The fee of  
6       such bond counsel and all other incidental expenses incurred in  
7       connection with the issuance of the bonds authorized by this  
8       ordinance shall be paid out of the proceeds of said bonds.

9                   Section 8. In the event it shall be hereafter determined  
10       that it is not necessary to issue all of the bonds authorized by  
11       this ordinance, or the Public Service Commission shall not approve  
12       the issuance of said total amount of bonds, the City Controller  
13       shall be authorized to sell and deliver a lesser amount of bonds  
14       than herein authorized, in which case the bonds not sold or  
15       delivered shall be of the last maturity or maturities.

16                   The bonds herein authorized, when fully paid for and  
17       delivered to the purchaser, shall be the binding and special  
18       obligations of the City, payable out of the income and revenues of  
19       the waterworks system of said City according to their tenor and  
20       effect, and the proceeds derived from the sale of said bonds shall  
21       be and are hereby set aside for the purpose of paying the cost of  
22       construction and installation of the aforesaid extensions and  
23       additions to said waterworks and the expense necessarily incurred  
24       in connection with the issuance and sale of the bonds. The proper  
25       officers of the City are hereby directed to draw all proper and  
26       necessary warrants, and to do all acts and things which may be  
27       necessary to carry out the provisions of this ordinance.

28                   Section 9. Any accrued interest and any premium  
29       received at the time of the delivery of the bonds shall be deposited  
30       in the Bond and Interest Redemption Account hereinbefore referred  
31       to. The remaining proceeds from the sale of the bonds shall, upon  
32       receipt, be deposited in a bank or banks which are legally  
33       designated and qualified depositories for the funds of the City,

1       in a special account or accounts to be designated as "City of  
2       Fort Wayne, 1978 Waterworks Construction Account". The funds in  
3       each of such special accounts shall be deposited, secured, and  
4       held, or invested as provided by the laws of the State of Indiana  
5       relating to the depositing, securing and holding, or investing  
6       of public funds. The funds in such special account or accounts  
7       and any income derived from the investment thereof shall be  
8       expended only for the purpose of paying the cost of the extensions  
9       and additions to said waterworks as herein authorized, the  
10      incidental expenses incurred in connection therewith and with the  
11      issuance of bonds, including legal fees, and for the payment of  
12      interest accruing on the bonds during the period of construction,  
13      if required for that purpose. Any balance or balances remaining  
14      unexpended in such special account or accounts after the completion  
15      of the work, which are not required to meet unpaid obligations  
16      incurred in connection with the construction of the work, shall be  
17      deposited in the Bond and Interest Redemption Account within  
18      sixty (60) days after completion of the project.

19           Section 10. The City shall keep proper books of records  
20      and accounts, separate from all of its other records and accounts,  
21      in which complete and correct entries shall be made showing all  
22      revenues collected from said waterworks and deposited in the  
23      special accounts hereinbefore established and all disbursements  
24      made therefrom and all transactions relating to said waterworks.  
25      There shall be prepared and furnished to the original purchaser  
26      of the bonds, and, upon written request, to any holder of the bonds,  
27      not more than sixty (60) days after the close of each annual  
28      fiscal period, operating and income statements and balance sheets  
29      of the waterworks, in reasonable detail, covering such annual  
30      fiscal period, together with a statement of the balances as of the  
31      close of such fiscal year in each of the accounts hereinbefore  
32      referred to in this ordinance, which statements shall be prepared  
33      by an independent certified public accountant. Such annual  
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1 statements shall also include the comments of said accountant  
2 relative to the manner in which the City has carried out the  
3 requirements of this ordinance and any other ordinances authorizing  
4 then outstanding bonds. The fees or charges of such accountant  
5 shall be deemed to be a cost of operation and maintenance of the  
6 waterworks. Copies of all such statements and reports shall at  
7 all times be kept on file in the office of the City Controller.  
8 Any holder of the bonds shall have the right at all reasonable  
9 times to inspect the waterworks and the records, accounts and data  
10 of the City relating thereto. Such inspections may be made by  
11 representatives duly authorized by written instrument.

12 Section 11. The City shall, to the fullest extent  
13 permitted by law, establish, maintain and collect reasonable and  
14 just rates and charges for the services and facilities afforded by  
15 said waterworks which will provide revenues at least sufficient to  
16 pay the reasonable and proper cost of the maintenance and operation  
17 of the waterworks, to provide a proper and reasonable depreciation  
18 account, and to pay the principal of and interest on all bonds  
19 payable from the revenues of the waterworks as the same become due,  
20 and provide a surplus or margin of ten per cent (10%) of the  
21 principal and interest due each year, which shall be cumulative.  
22 So long as any of the bonds herein authorized are outstanding,  
23 none of the facilities and services afforded by said waterworks  
24 shall be furnished without a reasonable and just charge being made  
25 therefor. The reasonable value of any service rendered to the  
26 City, or to any department, agency or instrumentality thereof,  
27 including the use of water for hydrants for fire protection or  
28 for any other purpose, shall be charged against the City and shall  
29 be paid for as the charges accrue, and the revenues so received  
30 shall be deemed to be revenues derived from the operation of the  
31 waterworks and shall be used and accounted for in the same manner  
32 as other revenues derived from the operation of the waterworks.

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Section 12. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of the waterworks, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future construction, additions, extensions and improvements to the waterworks, or the refunding of bonds payable from the revenues of the waterworks, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required payments into the Bond and Interest Redemption Account have been made in accordance with the provisions of this ordinance.

(b) (1) The amount of gross revenues of the waterworks allocated by Section 3(c) of this ordinance to and deposited in the Bond and Interest Redemption Account in the calendar year immediately preceding the issuance of any such additional parity bonds shall be not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds: or

(2) Prior to the issuance of said parity bonds, the proportion of the gross revenues allocated to said Bond and Interest Redemption Account shall be increased sufficiently so that said increased proportion applied to the previous calendar year's gross revenues would have produced revenues in said Bond and Interest Redemption Account for said year equal to not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds: or

(3) Prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently and the proportion of gross revenues allocated to said Bond and Interest

1       Redemption Account increased sufficiently so that said increased  
2       water rates and charges applied to the previous calendar year's  
3       operations would have produced gross revenues in an amount so that  
4       the proportion allocated to said Bond and Interest Redemption  
5       Account for said year would have equaled not less than one hundred  
6       twenty-five per cent (125%) of the maximum annual interest and  
7       principal requirements of the then outstanding bonds and the  
8       additional parity bonds proposed to be issued, during the life of  
9       said outstanding bonds.

10       For the purposes of this subsection, the records of the  
11       waterworks shall be analyzed and all showings shall be prepared  
12       by an independent certified public accountant employed by the City  
13       for that purpose, which accountant shall certify that he has no  
14       pecuniary interest in the financing of the waterworks or improve-  
15       ments thereto other than in the making of said analysis and the  
16       preparation of said showings.

17       (c) The principal of the additional parity bonds shall  
18       be payable annually on January 1 and the interest semi-annually  
19       on January 1 and July 1 in the years in which principal and interest  
20       are payable.

21       (d) To the extent required by law, the issuance of the  
22       proposed additional parity bonds and any necessary increase in  
23       water rates and charges shall have been approved by the Public  
24       Service Commission of Indiana, or such successor body, if any, as  
25       may be vested by law with authority to approve the issuance of  
26       bonds payable from the revenues of municipal waterworks and  
27       increases in rates and charges for the services afforded thereby.

28       Parity bonds may also be issued to refund less than all  
29       of the then outstanding bonds issued pursuant to this ordinance  
30       or ranking on a parity therewith, but any such refunding bonds  
31       shall be subject to the conditions in this section unless the  
32       bonds being refunded mature within three (3) months of the date  
33       of such refunding and no other funds are available to pay such  
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1 maturing bonds. In computing the maximum annual interest and  
2 principal requirements pursuant to subsection (b), the interest  
3 on and principal of the refunding bonds shall be substituted for  
4 the interest on and principal of the bonds being refunded.

5 Section 13. For the purpose of further safeguarding  
6 the interests of the holders of the bonds, it is specifically  
7 provided as follows:

8 (a) All construction contracts shall be let to  
9 responsible contractors who shall be required to furnish construc-  
10 tion bonds in an amount equal to one hundred per cent (100%) of the  
11 amount of such contracts, to insure the completion of such contracts  
12 in accordance with their terms, and such contractors shall be  
13 required to carry such employer's liability and public liability  
14 insurance as are required under the laws of the State of Indiana  
15 in the case of public contracts.

16 (b) The extensions and additions shall be contracted  
17 for and constructed to the approval of the McNamee, Porter and  
18 Seeley, consulting engineers of Ann Arbor, Michigan, now employed  
19 by the City, or such other consulting engineers as may be hereafter  
20 employed by the City. All estimates for work done and material  
21 furnished shall first be checked by the consulting engineers before  
22 being approved by the City.

23 (c) The City shall, at all times, maintain said  
24 waterworks in good condition and operate the same in an efficient  
25 manner and at a reasonable cost.

26 (d) So long as any of the bonds herein authorized are  
27 outstanding, the City shall maintain insurance on the insurable  
28 parts of the waterworks of a kind and in an amount such as is  
29 usually carried by private companies engaged in a similar type of  
30 business. All insurance shall be placed with responsible insur-  
31 ance companies qualified to do business in the State of Indiana,  
32 and any insurance proceeds collected shall be used in replacing  
33 the property destroyed or damaged, or if not needed for that  
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1                   purpose, shall be placed in the Depreciation Account.

2                   (e) So long as any of the bonds herein authorized are  
3                   outstanding, the City shall not mortgage, pledge or otherwise  
4                   encumber its waterworks or any part thereof, and shall not sell,  
5                   lease or otherwise dispose of any portion thereof except such  
6                   equipment which may become worn out or obsolete, and shall be  
7                   replaced; nor shall the City, except as provided in Section 12  
8                   hereof, execute or issue any additional bonds or other obligations  
9                   pledging any portion of the revenues of said waterworks unless the  
10                   same be made subordinate and junior in all respects to the bonds  
11                   heretofore issued and the bonds herein authorized, or unless all  
12                   of the bonds herein authorized are redeemed and cancelled  
13                   coincidentally with the delivery of such additional bonds or  
14                   other obligations, or the bonds have been duly called for redemp-  
15                   tion and funds sufficient to effect such redemption are available  
16                   and set aside at the place of redemption at the time of issuance  
17                   of such additional bonds.

18                   (f) The provisions of this ordinance shall be construed  
19                   to create a trust in the proceeds derived from the sale of the  
20                   bonds herein authorized, for the uses and purposes herein set  
21                   forth, and so long as any of said bonds are outstanding, the  
22                   provisions of this ordinance shall also be construed to create a  
23                   trust in the fixed proportion of the revenues of the waterworks  
24                   herein directed to be set apart and paid into the Bond and Interest  
25                   Redemption Account for the uses and purposes of said account as in  
26                   this ordinance set forth.

27                   (g) The provisions of this ordinance shall constitute  
28                   a contract by and between the City of Fort Wayne and the holders  
29                   of the bonds herein authorized, all of the terms of which shall be  
30                   enforceable in law or in equity, and after the issuance of the  
31                   bonds this ordinance shall not be repealed or amended in any  
32                   respect which will adversely affect the rights and interests of  
33                   the holders of said bonds, nor shall the Common Council of the City  
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1 adopt any law, ordinance or resolution in any way adversely  
2 affecting the rights of such holders so long as any of the bonds  
3 or the interest thereon remain unpaid. The holders of the bonds  
4 shall have all of the rights, remedies and privileges, either  
5 expressly set forth in the provisions of IC 1971, 19-3-17, and  
6 the laws amendatory thereof and supplemental thereto, or implied  
7 therein, including the right to compel the collection of sufficient  
8 rates and charges to provide for the payment of the bonds issued  
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be  
11 construed as requiring the expenditure of any funds of the City  
12 derived from any sources other than the proceeds of said bonds  
13 and the revenues derived from the operation of said waterworks  
14 system, and said bonds shall not in any respect constitute general  
15 obligations of the City in its corporate capacity. Sums paid and  
16 to be paid by the City to its waterworks as hydrant rental and  
17 for water furnished shall be deemed to be payments by the City of  
18 services rendered. The revenues so received by the waterworks  
19 shall be deemed revenues derived from the operation of the water-  
20 works.

21 Section 14. Subject to the terms and provisions con-  
22 tained in this section, and not otherwise, the holders of not less  
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate  
24 principal amount of the bonds issued pursuant to this ordinance  
25 and then outstanding shall have the right from time to time,  
26 anything contained in this ordinance to the contrary notwithstanding,  
27 to consent to and approve the adoption by the Common Council  
28 of the City of Fort Wayne of such ordinance or ordinances  
29 supplemental hereto, as shall be deemed necessary or desirable  
30 by the City of Fort Wayne for the purpose of modifying, altering,  
31 amending, adding to or rescinding in any particular any of the  
32 terms or provisions contained in this ordinance, or in any  
33 supplemental ordinance; provided, however, that nothing herein  
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1 contained shall permit or be construed as permitting:

2 (a) An extension of the maturity of the principal  
3 of or interest on any bond issued pursuant to this ordinance;  
4 or

5 (b) A reduction in the principal amount of any bond  
6 or the redemption premium or the rate of interest thereon;  
7 or

8 (c) The creation of a lien upon or a pledge of the  
9 revenues of the waterworks ranking prior to the pledge  
10 thereof created by this ordinance; or

11 (d) A preference or priority of any bond or bonds  
12 issued pursuant to this ordinance over any other bond or  
13 bonds issued pursuant to the provisions of this ordinance;  
14 or

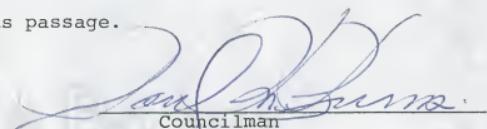
15 (e) A reduction in the aggregate principal amount  
16 of the bonds required for consent to such supplemental  
17 ordinance.

18 The holders of not less than sixty-six and two-thirds per cent  
19 (66-2/3%) in aggregate principal amount of the bonds outstanding  
20 at the time of adoption of such supplemental ordinance shall have  
21 consented to and approved the adoption thereof by written instru-  
22 ment to be maintained on file in the office of the City Clerk of  
23 the City of Fort Wayne. No holder of any bond issued pursuant to  
24 this ordinance shall have any right to object to the adoption of  
25 such supplemental ordinance or to object to any of the terms and  
26 provisions contained therein or the operation thereof, or in any  
27 manner to question the propriety of the adoption thereof, or to  
28 enjoin or restrain the Common Council of the City of Fort Wayne  
29 from adopting the same, or from taking any action pursuant to the  
30 provisions thereof. Upon the adoption of any supplemental  
31 ordinance pursuant to the provisions of this section, this  
32 ordinance shall be, and shall be deemed, modified and amended in  
33 accordance therewith, and the respective rights, duties and  
34  
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1 obligations under this ordinance of the City of Fort Wayne and all  
2 holders of bonds issued pursuant to the provisions of this  
3 ordinance then outstanding, shall thereafter be determined  
4 exercised and enforced in accordance with this ordinance, subject  
5 in all respects to such modifications and amendments. Notwith-  
6 standing anything contained in the foregoing provisions of this  
7 ordinance, the rights and obligations of the City and of the holders  
8 of the bonds authorized by this ordinance, or any supplemental  
9 ordinance, may be modified or altered in any respect with the  
10 consent of the City of Fort Wayne and the consent of the holders  
11 of all the bonds issued pursuant to this ordinance then outstand-  
12 ing.

13 Section 15. All ordinances and parts of ordinances  
14 in conflict herewith are hereby repealed; provided, however, that  
15 none of the provisions of this ordinance shall be so construed as  
16 to repeal or modify the provisions of General Ordinances No.  
17 G-95-67, as amended by General Ordinances No. G-104-67 and No.  
18 G-110-67 and General Ordinance No. G-29-68, so as to affect  
19 adversely the rights, interests or priorities of the holders of  
20 the outstanding revenue bonds issued pursuant to said ordinances.

21 Section 16. This ordinance shall be in full force and  
22 effect from and after its passage.



Paul D. Durm  
Councilman

23  
24 Read the third time in full and on motion by \_\_\_\_\_  
25 \_\_\_\_\_, seconded by \_\_\_\_\_,  
26 and duly adopted, placed on its passage. Passed on the following  
27 vote:  
28

29 Ayes:

30 Nays:

31 Absent:

32 Date:

33 \_\_\_\_\_  
34 City Clerk  
35

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 197\_\_.

Presiding Officer

**Attest:**

City Clerk

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of  
\_\_\_\_\_. M., E.S.T.

City Clerk

Approved and signed by me this \_\_\_\_\_ day of  
\_\_\_\_\_, 197\_\_\_\_\_, at the hour of \_\_\_\_\_ M.,  
E.S.T.

Mayor

Approved as to form and legality by:

William T. Salin  
City Attorney

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_

Hinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 9/12/78

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by \_\_\_\_\_, seconded by H. Stier, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-26-78

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. 9-26-78 on the 26th day of September, 1978  
ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of September, 1978 at the hour of 11:30 o'clock M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 28th day of September, 1978, at the hour of 10 o'clock M., E.S.T.

Rahel Umshong  
MAYOR

Bill No. G-78-09-27

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
OF THE CITY OF FORT WAYNE, INDIANA, CONCERNING THE CONSTRUCTION OF  
EXTENSIONS AND ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND OPERATED BY SAID  
CITY, AUTHORIZING THE ISSUANCE OF REVENUE BONDS TO PROVIDE FOR THE COST  
THEREOF, AND MATTERS CONNECTED THEREWITH

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance go PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

9-26-78

1  
2  
3 BILL NO. G-78-09- *27.*

4 GENERAL ORDINANCE NO. G- *26-78*

5 AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,  
6 CONCERNING THE CONSTRUCTION OF EXTENSIONS AND  
7 ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND  
8 OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE  
9 OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF,  
10 AND MATTERS CONNECTED THEREWITH.

11 WHEREAS, the City of Fort Wayne is the Owner of and  
12 operates an unencumbered waterworks furnishing the public water  
13 supply to said City and its inhabitants; and

14 WHEREAS, the Board of Public Works, having the manage-  
15 ment of said waterworks, has determined, and the Council now finds,  
16 that said waterworks is in need of certain extensions and additions,  
17 consisting of renovating and expanding the water filtration plant  
18 and of making additions and improvements to the St. Joseph Dam and  
19 Pump Station; that said extensions and additions are required in  
20 order to protect properly the health, well-being and property of  
21 the City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined that  
23 the cost of the proposed extensions and additions, based upon  
24 construction bids received and estimates as to contingencies and  
25 incidental expenses, will be Eighteen Million Dollars (\$18,000,000),  
26 and has represented to the Council, and the Council now finds,  
27 that, subject to the approval of the Public Service Commission of  
28 Indiana, funds for said project should be provided by the issuance  
29 and sale of revenue bonds payable solely out of the revenues of  
30 said waterworks and not constituting a general obligation of the  
31 City; that such revenue bonds may be issued provided that the same  
32 are made on a parity with the bonds authorized by General Ordinance  
33 No. G-95-67, as amended by General Ordinances No. G-104-67 and  
34 G-110-67, and designated as "Waterworks Revenue Bonds of 1967",  
35 issued under date of November 1, 1967, and now outstanding in the  
amount of Two Million Eight Hundred Forty-Five Thousand (\$2,845,000),  
maturing serially over a period ending on January 1, 2000, and the  
bonds authorized by General Ordinance No. G-29-68 and designated

1 as "Waterworks Revenue Bonds of 1968", issued under date of  
2 December 1, 1968, and now outstanding in the amount of Three  
3 Million Forty-Five Thousand Dollars (\$3,045,000), maturing  
4 serially over a period ending on January 1, 2000; and that the  
5 revenues of the City's waterworks will be sufficient to provide  
6 for the operation and maintenance thereof, depreciation, and the  
7 servicing of said outstanding revenue bonds and the revenue bonds  
8 authorized by this ordinance, provided that the water rates and  
9 charges are increased concurrently herewith; and that it would be  
10 to the best interests of the City and its citizens to proceed with  
11 the proposed extensions and additions to the City's waterworks;  
12 now therefore,

13 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
14 WAYNE, INDIANA:

15 Section 1. That the City of Fort Wayne (hereinafter  
16 sometimes referred to as the "City"), being the owner of and  
17 engaged in operating an unencumbered waterworks supplying the City  
18 and its inhabitants with water for public and domestic use, now  
19 provide for certain needed extensions and additions to such water-  
20 works and the payment for such extensions and additions by the  
21 issuance of bonds payable from the revenues and receipts of said  
22 waterworks, pursuant to and in the manner prescribed in the Indiana  
23 Code of 1971, Title 19, Article 3, Chapter 17, and the laws  
24 amendatory thereof and supplemental thereto (sometimes hereinafter  
25 referred to as the "Act"). The terms "waterworks", "waterworks  
26 system", and "system", wherever used in this ordinance shall be  
27 construed to mean and include the existing waterworks owned by the  
28 City of Fort Wayne, and all extensions, additions and improvements  
29 thereto and replacements thereof now or subsequently constructed  
30 or acquired.

31 Section 2. Said extensions and additions shall include  
32 the renovating and expansion of the water filtration plant and  
33 making of additions and improvements to the St. Joseph Dam and  
34 Pump Station, all of which shall be constructed and installed in  
35 accordance with the plans and specifications prepared by McNamee,

1       Porter and Seeley, consulting engineers of Ann Arbor, Michigan,  
2       which plans and specifications are made a part hereof by reference  
3       and are hereby approved. To provide for the issuance and sale of  
4       revenue bonds, and to approve Ice Miller Donadio and Ryan as bond  
5       counsel and the agreement for William N. Salin to provide for the  
6       undertaking herein authorized and approve Bernard T. Perry as  
7       financial consultant as set out in a Resolution No. 66-133-23 of  
8       said Board dated August 16, 1978, which agreements referred to are  
9       made a part hereof by reference and are hereby approved. The  
10      Board of Public Works is hereby authorized to proceed with the  
11      construction and installation of said extensions and additions,  
12      and to enter into all contracts necessary for such purpose in  
13      conformity with the provisions of this ordinance and of said Act;  
14      provided that the principal and interest of all bonds issued  
15      pursuant to this ordinance shall be paid solely and exclusively  
16      from the revenues of said waterworks system and that no bonds shall  
17      be issued or sold until the approval of the Public Service Commis-  
18      sion of Indiana shall have been obtained for the issuance of such  
19      bonds, and said Commission shall have certified that the estimated  
20      income and revenues of the waterworks system under the increased  
21      rates, in addition to providing for operation, maintenance and  
22      depreciation of said system, are sufficient to pay the interest on  
23      and the principal of the outstanding bonds payable out of the  
24      revenues of the waterworks system and the interest on and principal  
25      of the bonds authorized by this ordinance. The Mayor and Board  
26      of Public Works are hereby authorized to file a proper petition  
27      with the Public Service Commission for the purpose of securing the  
28      required approval of said Commission.

29                   Section 3. The income and revenues of the City's water-  
30                  works system shall be set aside into a separate and special fund  
31                  to be used and applied in the maintenance and operation thereof,  
32                  in establishing a depreciation account, and to the payment of the  
33                  interest on and principal of the bonds authorized by General  
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1        subject to redemption prior to maturity, any such excess over such  
2        surplus may also be used in the redemption of outstanding bonds at  
3        not more than the redemption prices and in accordance with the  
4        redemption provisions applicable thereto.

5            All of the funds of said several accounts shall be  
6        deposited in lawful depositories of the City and shall be continu-  
7        ously held and secured, or invested as provided by the laws of  
8        Indiana relating to the depositing, securing and holding, or  
9        investing of public funds. In no event shall any of the revenues  
10       of said waterworks be transferred or used for any purpose not  
11       authorized by this ordinance or reasonably implied by the provi-  
12       sions hereof, so long as there are outstanding any bonds payable  
13       out of the income and revenues of the City's waterworks.

14           Section 4. For the purpose of procuring funds with  
15       which to pay the cost of construction and installation of the  
16       extensions and additions to its waterworks, the City shall issue  
17       its revenue bonds under and pursuant to the provisions of this  
18       ordinance and said Act, which bonds shall be payable only out of  
19       the special Bond and Interest Redemption Account herein provided  
20       for, and shall be designated as "Waterworks Revenue Bonds of 1978".  
21       Said bonds shall be in a principal amount not exceeding Eighteen  
22       Million Dollars (\$18,000,000), in the denomination of Five Thousand  
23       Dollars (\$5,000) each, numbered consecutively from 1 up, dated as  
24       of the first day of the month in which said bonds are sold, and  
25       shall bear interest at a rate or rates not exceeding six and  
26       one-half per cent (6-1/2%) per annum (the exact rate or rates to  
27       be determined by bidding), which interest shall be payable semi-  
28       annually on January 1 and July 1 of each year, beginning on  
29       January 1, 1979, and shall be evidenced by coupons attached to  
30       said bonds. Both bonds and interest coupons shall be payable at  
31       the Indiana Bank and Trust Company of Fort Wayne, in the City of  
32       Fort Wayne, Indiana, or, at the option of the holder, at the  
33       American National Bank and Trust Company of Chicago, in the City  
34  
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UNITED STATES OF AMERICA  
State of Indiana      County of Allen

CITY OF FORT WAYNE  
WATERWORKS REVENUE BOND OF 1978

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of January, 19        (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid, at the rate of        per cent (       %) per annum, payable semi-annually on the first days of January and July of each year, beginning January 1, 1979, but only upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or, at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York.

This bond is one of an authorized issue of thirty-six hundred (3,600) bonds of the City of Fort Wayne, of like date, denomination, tenor and effect, except as to rates of interest and dates of maturity, in the total amount of Eighteen Million Dollars (\$18,000,000), numbered consecutively from 1 to 3600 inclusive, issued for the purpose of providing funds to pay the cost of extensions and additions to the municipally owned waterworks of said City, pursuant to an ordinance passed by the Common Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_\_, entitled "An Ordinance of the City of Fort Wayne, Indiana, concerning the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith", and in strict compliance with the provisions of the governing statutes, particularly Title 19, Article 3, Chapter 17 of the Indiana Code of 1971, and all laws amendatory thereof or supplemental thereto.

The Principal of and interest on this bond and all other bonds of said issue, certain Waterworks Revenue Bonds of 1967, now outstanding in the principal amount of Two Million Eight Hundred Forty-Five Thousand Dollars (\$2,845,000) issued under date of November 1, 1967, pursuant to General Ordinance No. G-95-67, as amended by General Ordinances No. G-104-67 and G-110-67, bearing interest at the rate of five per cent (5%) per annum, and maturing over a period ending on January 1, 2000, certain Waterworks Revenue Bonds

1 of 1968, now outstanding in the principal amount of  
2 Three Million Forty-Five Thousand Dollars (\$3,045,000),  
3 issued under date of December 1, 1968, pursuant to  
4 General Ordinance No. G-29-68, bearing interest at the  
5 rates of five and one-half per cent (5-1/2%) and five  
6 and forty hundredths per cent (5.40%) per annum,  
7 depending on the maturities, and maturing over a period  
8 ending on January 1, 2000, all ranking on a parity here-  
9 with, and any bonds hereafter issued ranking on a parity  
10 therewith, are equally and ratably secured by and consti-  
11 tute a charge upon twenty-seven per cent (27%) of the  
12 gross income and revenues of the municipally owned water-  
13 works of the City, as the same now exists or may hereafter  
14 be improved or extended, which percentage of such income  
15 and revenues is to be deposited in a special account des-  
ignated as the "Bond and Interest Redemption Account".  
The City shall not be obligated to pay said bonds or the  
interest thereon except from said special fund, and  
neither this bond nor the issue of which it is a part  
shall in any respect constitute a corporate indebtedness  
of the City within the provisions and limitations of the  
constitution of the State of Indiana.

12 The bonds of this issue maturing on January 1, 1990,  
13 and thereafter, are redeemable at the option of the City,  
14 in whole or in part, in inverse chronological order of  
15 maturity and by lot within a maturity, on July 1, 1989,  
or any interest payment date thereafter, at face value,  
together with the following premiums:

16 3% if redeemed on July 1, 1989, or thereafter  
17 on or before January 1, 1991;  
2% if redeemed on July 1, 1991 or thereafter  
on or before January 1, 1996;  
18 1% if redeemed on July 1, 1996, or thereafter  
prior to maturity;

19 plus in each case accrued interest to the date fixed for  
20 redemption; provided notice of such redemption shall be  
21 given at least thirty (30) days prior to the date fixed  
22 therefor by one publication in a newspaper or financial  
23 journal of general circulation published in the City of  
24 Indianapolis, Indiana, and a financial journal of general  
25 circulation published in the City of New York, New York,  
26 and a like notice be sent by mail to the holders of such  
27 bonds as are then registered. Interest on the bonds so  
called for redemption shall cease on the redemption date  
fixed in said notice, if sufficient funds are available  
at the place of redemption to redeem the bonds when  
presented in accordance with the terms thereof. The bonds  
so redeemed prior to maturity shall be surrendered for  
cancellation, together with all unmatured interest coupons  
appurtenant thereto.

28 The City covenants that it will, to the fullest  
29 extent permitted by law, fix, maintain and collect an  
30 aggregate of rates and charges for the services rendered  
31 by the City's waterworks system which will be sufficient  
32 to pay all costs of operation and maintenance of said  
33 system, to provide a proper and adequate depreciation  
account, and to create and maintain the sinking fund  
required for the payment of the interest on and principal  
of this issue of bonds and all other bonds payable from the  
revenues of the City's waterworks system, in accordance  
with the terms thereof, and that it will in all other respects

faithfully comply with all other provisions of the ordinance and statute pursuant to which this bond is issued. In the event the City shall make any default in the payment of the principal of or interest on this bond, the holder hereof shall have all of the rights and remedies provided by the governing statutes, including the right to compel the collection of sufficient rates and charges to provide for the payment of this bond and the interest thereon in accordance with the terms hereof.

This bond may be registered in the name of the owner in the manner and with the effect provided in the ordinance hereinbefore referred to, but unless registered this bond shall pass by delivery only. The registration of this bond shall not affect the negotiability of the interest coupons attached hereto, but said coupons shall continue to pass by delivery merely and shall remain payable to bearer.

It is hereby certified and recited that all acts, conditions and things required to be done or to exist precedent to and in the execution, issuance and delivery of this bond have been done and performed and exist in regular and due forms as provided by law.

CITY OF FORT WAYNE

By \_\_\_\_\_ (facsimile)  
Mayor

Countersigned:

City Controller (facsimile)

Attest:

### City Clerk

(Interest Coupon)

Coupon No.

1       counsel, shall deem necessary. All bids for said bonds shall be  
2       sealed and shall be presented to the City Controller at his office.  
3       Bidders shall be required to bid for all of the bonds and to name  
4       the rate or rates of interest which the bonds are to bear, not  
5       exceeding the maximum rate hereinbefore fixed. Such interest  
6       rate or rates shall be in multiples of one-eighth (1/8) or  
7       one-tenth (1/10) of one per cent (1%), and not more than four (4)  
8       different interest rates shall be named by each bidder. A rate  
9       may be repeated without constituting a different rate. Bids  
10      specifying two or more interest rates shall also specify the amount  
11      and maturities of the bonds bearing each rate, but all bonds  
12      maturing on the same date shall bear the same rate. Each bid  
13      shall be accompanied by a certified or cashier's check, payable to  
14      the City of Fort Wayne, in the amount of One Hundred Thousand  
15      Dollars (\$100,000), as a guarantee of good faith. In the event  
16      the successful bidder shall fail or refuse to accept delivery of  
17      said bonds in accordance with his bid and the notice of sale,  
18      then said check and the proceeds thereof shall be the property of  
19      the City as its agreed liquidated damages. The City Controller  
20      shall award the bonds to the highest qualified bidder. The  
21      highest bidder shall be the one who offers the lowest net interest  
22      cost to the City, to be determined by computing the total interest  
23      on all of the bonds to their maturities and deducting therefrom  
24      the premium bid, if any. No bid for less than the par value of  
25      said bonds, including interest accrued to the date of delivery,  
26      shall be considered. The City Controller shall have the right to  
27      reject any and all bids. In the event no acceptable bid is  
28      received at the time fixed in said notice for the sale of said  
29      bonds, the City Controller shall be authorized to continue to  
30      receive bids from day to day thereafter for a period of not to  
31      exceed thirty (30) days without readvertisement; provided, however,  
32      that if said sale be continued, no bid shall be accepted which is  
33      lower than the highest bid received at the time fixed for said  
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1       in a special account or accounts to be designated as "City of  
2       Fort Wayne, 1978 Waterworks Construction Account". The funds in  
3       each of such special accounts shall be deposited, securited, and  
4       held, or invested as provided by the laws of the State of Indiana  
5       relating to the depositing, securing and holding, or investing  
6       of public funds. The funds in such special account or accounts  
7       and any income derived from the investment thereof shall be  
8       expended only for the purpose of paying the cost of the extensions  
9       and additions to said waterworks as herein authorized, the  
10      incidental expenses incurred in connection therewith and with the  
11      issuance of bonds, including legal fees, and for the payment of  
12      interest accruing on the bonds during the period of construction,  
13      if required for that purpose. Any balance or balances remaining  
14      unexpended in such special account or accounts after the completion  
15      of the work, which are not required to meet unpaid obligations  
16      incurred in connection with the construction of the work, shall be  
17      deposited in the Bond and Interest Redemption Account within  
18      sixty (60) days after completion of the project.

19           Section 10. The City shall keep proper books of records  
20      and accounts, separate from all of its other records and accounts,  
21      in which complete and correct entries shall be made showing all  
22      revenues collected from said waterworks and deposited in the  
23      special accounts hereinbefore established and all disbursements  
24      made therefrom and all transactions relating to said waterworks.  
25      There shall be prepared and furnished to the original purchaser  
26      of the bonds, and, upon written request, to any holder of the bonds  
27      not more than sixty (60) days after the close of each annual  
28      fiscal period, operating and income statements and balance sheets  
29      of the waterworks, in reasonable detail, covering such annual  
30      fiscal period, together with a statement of the balances as of the  
31      close of such fiscal year in each of the accounts hereinbefore  
32      referred to in this ordinance, which statements shall be prepared  
33      by an independent certified public accountant. Such annual

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1 adopt any law, ordinance or resolution in any way adversely  
2 affecting the rights of such holders so long as any of the bonds  
3 or the interest thereon remain unpaid. The holders of the bonds  
4 shall have all of the rights, remedies and privileges, either  
5 expressly set forth in the provisions of IC 1971, 19-3-17, and  
6 the laws amendatory thereof and supplemental thereto, or implied  
7 therein, including the right to compel the collection of sufficient  
8 rates and charges to provide for the payment of the bonds issued  
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be  
11 construed as requiring the expenditure of any funds of the City  
12 derived from any sources other than the proceeds of said bonds  
13 and the revenues derived from the operation of said waterworks  
14 system, and said bonds shall not in any respect constitute general  
15 obligations of the City in its corporate capacity. Sums paid and  
16 to be paid by the City to its waterworks as hydrant rental and  
17 for water furnished shall be deemed to be payments by the City of  
18 services rendered. The revenues so received by the waterworks  
19 shall be deemed revenues derived from the operation of the water-  
20 works.

21 Section 14. Subject to the terms and provisions con-  
22 tained in this section, and not otherwise, the holders of not less  
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate  
24 principal amount of the bonds issued pursuant to this ordinance  
25 and then outstanding shall have the right from time to time,  
26 anything contained in this ordinance to the contrary notwithstanding,  
27 to consent to and approve the adoption by the Common Council  
28 of the City of Fort Wayne of such ordinance or ordinances  
29 supplemental hereto, as shall be deemed necessary or desirable  
30 by the City of Fort Wayne for the purpose of modifying, altering,  
31 amending, adding to or rescinding in any particular any of the  
32 terms or provisions contained in this ordinance, or in any  
33 supplemental ordinance; provided, however, that nothing herein  
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2  
3 BILL NO. G-78-09-21

4 GENERAL ORDINANCE NO. G-26-78

5 AN ORDINANCE OF THE CITY OF FORT WAYNE, INDIANA,  
6 CONCERNING THE CONSTRUCTION OF EXTENSIONS AND  
7 ADDITIONS TO THE WATERWORKS SYSTEM OWNED AND  
8 OPERATED BY SAID CITY, AUTHORIZING THE ISSUANCE  
9 OF REVENUE BONDS TO PROVIDE FOR THE COST THEREOF,  
10 AND MATTERS CONNECTED THEREWITH.

11 WHEREAS, the City of Fort Wayne is the Owner of and  
12 operates an unencumbered waterworks furnishing the public water  
13 supply to said City and its inhabitants; and

14 WHEREAS, the Board of Public Works, having the manage-  
15 ment of said waterworks, has determined, and the Council now finds,  
16 that said waterworks is in need of certain extensions and additions  
17 consisting of renovating and expanding the water filtration plant  
18 and of making additions and improvements to the St. Joseph Dam and  
19 Pump Station; that said extensions and additions are required in  
20 order to protect properly the health, well-being and property of  
21 the City and its inhabitants; and

22 WHEREAS, the Board of Public Works has determined that  
23 the cost of the proposed extensions and additions, based upon  
24 construction bids received and estimates as to contingencies and  
25 incidental expenses, will be Eighteen Million Dollars (\$18,000,000),  
26 and has represented to the Council, and the Council now finds,  
27 that, subject to the approval of the Public Service Commission of  
28 Indiana, funds for said project should be provided by the issuance  
29 and sale of revenue bonds payable solely out of the revenues of  
30 said waterworks and not constituting a general obligation of the  
31 City; that such revenue bonds may be issued provided that the same  
32 are made on a parity with the bonds authorized by General Ordinance  
33 No. G-95-67, as amended by General Ordinances No. G-104-67 and  
34 G-110-67, and designated as "Waterworks Revenue Bonds of 1967",  
35 issued under date of November 1, 1967, and now outstanding in the  
amount of Two Million ~~Eight~~ <sup>Seven</sup> Hundred ~~Forty~~ <sup>Sixty</sup>-Five Thousand ~~\$2,845,000~~ <sup>\$2,845,000</sup>,  
maturing serially over a period ending on January 1, 2000, and the  
bonds authorized by General Ordinance No. G-29-68 and designated

Nine hundred Sixty five

1 as "Waterworks Revenue Bonds of 1968", issued under date of  
2 December 1, 1968, and now outstanding in the amount of ~~Three~~<sup>Two</sup>  
3 Million ~~Forty~~<sup>2965</sup> Five Thousand Dollars (\$3,045,000), maturing  
4 serially over a period ending on January 1, 2000; and that the  
5 revenues of the City's waterworks will be sufficient to provide  
6 for the operation and maintenance thereof, depreciation, and the  
7 servicing of said outstanding revenue bonds and the revenue bonds  
8 authorized by this ordinance, provided that the water rates and  
9 charges are increased concurrently herewith; and that it would be  
10 to the best interests of the City and its citizens to proceed with  
11 the proposed extensions and additions to the City's waterworks;  
12 now therefore,

13 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
14 WAYNE, INDIANA:

15 Section 1. That the City of Fort Wayne (hereinafter  
16 sometimes referred to as the "City"), being the owner of and  
17 engaged in operating an unencumbered waterworks supplying the City  
18 and its inhabitants with water for public and domestic use, now  
19 provide for certain needed extensions and additions to such water-  
20 works and the payment for such extensions and additions by the  
21 issuance of bonds payable from the revenues and receipts of said  
22 waterworks, pursuant to and in the manner prescribed in the Indiana  
23 Code of 1971, Title 19, Article 3, Chapter 17, and the laws  
24 amendatory thereof and supplemental thereto (sometimes hereinafter  
25 referred to as the "Act"). The terms "waterworks", "waterworks  
26 system", and "system", wherever used in this ordinance shall be  
27 construed to mean and include the existing waterworks owned by the  
28 City of Fort Wayne, and all extensions, additions and improvements  
29 thereto and replacements thereof now or subsequently constructed  
30 or acquired.

31 Section 2. Said extensions and additions shall include  
32 the renovating and expansion of the water filtration plant and  
33 making of additions and improvements to the St. Joseph Dam and  
34 Pump Station, all of which shall be constructed and installed in  
35 accordance with the plans and specifications prepared by McNamee,

Porter and Seeley, consulting engineers of Ann Arbor, Michigan, which plans and specifications are made a part hereof by reference and are hereby approved. ~~To provide for the~~ To provide for the issuance and sale of revenue bonds, the Board of ~~Public~~ Works in Resolution No. 66-133-23 dated August 16, 1978 has heretofore approved the employment of Ice, Miller, Donadio and Ryan as bond counsel, an agreement with William N. Salin to provide services relative to the undertakings herein authorized, and the employment of Bernard T. Perry as financial consultant, which Resolution and agreements are made a part hereof by reference and are hereby approved!

~~undertaking herein authorized and approve Bernard T. Perry as financial consultant as set out in a Resolution No. 66-133-23 of said Board dated August 16, 1978, which agreements referred to are made a part hereof by reference and are hereby approved.~~ The Board of Public Works is hereby authorized to proceed with the construction and installation of said extensions and additions, and to enter into all contracts necessary for such purpose in conformity with the provisions of this ordinance and of said Act; provided that the principal and interest of all bonds issued pursuant to this ordinance shall be paid solely and exclusively from the revenues of said waterworks system and that no bonds shall be issued or sold until the approval of the Public Service Commission of Indiana shall have been obtained for the issuance of such bonds, and said Commission shall have certified that the estimated income and revenues of the waterworks system under the increased rates, in addition to providing for operation, maintenance and depreciation of said system, are sufficient to pay the interest on and the principal of the outstanding bonds payable out of the revenues of the waterworks system and the interest on and principal of the bonds authorized by this ordinance. The Mayor and Board of Public Works are hereby authorized to file a proper petition with the Public Service Commission for the purpose of securing the required approval of said Commission.

Section 3. The income and revenues of the City's water-works system shall be set aside into a separate and special fund to be used and applied in the maintenance and operation thereof, in establishing a depreciation account, and to the payment of the interest on and principal of the bonds authorized by General

1       Ordinance No. G-95-67 (as amended by General Ordinances No.  
2       G-104-67 and G-110-67), and General Ordinance No. G-29-68, and  
3       by this ordinance, and such other bonds as may be legally payable  
4       out of the income and revenues of the waterworks, in accordance  
5       with their respective priorities and provisions. The proportion of  
6       the gross revenues of said waterworks that shall be paid into the  
7       several accounts of said special fund, beginning as of the date of  
8       issuance of the bonds herein authorized, is hereby fixed and  
9       determined as follows:

10       (a) Operation and Maintenance Account. Sixty-one per  
11       cent (61%) of the gross revenues of said waterworks shall be set  
12       aside into the Operation and Maintenance Account, and shall be  
13       used solely to pay the necessary costs of the reasonable and  
14       proper operation and maintenance of the waterworks, including any  
15       taxes required to be paid. The necessary cost of the reasonable  
16       and proper operation and maintenance of the waterworks shall, in  
17       addition to the usual items chargeable to operation and maintenance,  
18       be deemed to include payments to the Civil City of Fort Wayne in  
19       lieu of taxes which would be payable if the waterworks were a  
20       privately-owned utility; provided, however, that no payments on  
21       account of said additional item shall be made which will in any  
22       wise adversely affect or jeopardize the continued operation of  
23       the waterworks or interfere with the payment of current operating  
24       and maintenance charges as the same accrue. The funds so set  
25       aside for operation and maintenance shall be applied exclusively  
26       to that purpose until a surplus shall have been accumulated in  
27       said account which will be equal to the cost of maintaining and  
28       operating the system during the remainder of the calendar, operating  
29       or fiscal year then current, and the cost of maintaining and  
30       operating said system during the calendar, operating or fiscal  
31       year then next ensuing. Any excess over such surplus may be trans-  
32       ferred to the Depreciation Account, or the Bond and Interest  
33       Redemption Account hereinafter referred to.

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(c) Bond and Interest Redemption Account. Twenty-seven per cent (27%) of the gross revenues of the waterworks shall, as such revenues are received, be set apart and paid into a special account to be identified as the "Bond and Interest Redemption Account". The funds in said account shall be used solely for the purpose of paying the interest on and principal of the Waterworks Revenue Bonds of 1967, issued pursuant to General Ordinance No. G-95-67 (as amended by General Ordinances No. G-104-67 and G-110-67), the Waterworks Revenue Bonds of 1968, issued pursuant to General Ordinance No. G-29-68, the bonds issued pursuant to the provisions of this ordinance, and any bonds hereafter issued ranking on a parity therewith, to the extent required for that purpose. If and when a surplus shall be created in said Bond and Interest Redemption Account which shall be in excess of the interest on and principal of the bonds, plus ten per cent (10%), which are payable during the then current calendar, operating or fiscal year, together with the amount of interest on and principal of the bonds which will become due and payable during the calendar, operating or fiscal year then next ensuing, then any excess over such surplus may be transferred to either the Operation and Maintenance Account or the Depreciation Account. In the event any of the bonds payable out of said Bond and Interest Redemption Account shall be

1        subject to redemption prior to maturity, any such excess over such  
2        surplus may also be used in the redemption of outstanding bonds at  
3        not more than the redemption prices and in accordance with the  
4        redemption provisions applicable thereto.

5            All of the funds of said several accounts shall be  
6        deposited in lawful depositories of the City and shall be continu-  
7        ously held and secured, or invested as provided by the laws of  
8        Indiana relating to the depositing, securing and holding, or  
9        investing of public funds. In no event shall any of the revenues  
10       of said waterworks be transferred or used for any purpose not  
11       authorized by this ordinance or reasonably implied by the provi-  
12       sions hereof, so long as there are outstanding any bonds payable  
13       out of the income and revenues of the City's waterworks.

14           Section 4. For the purpose of procuring funds with  
15        which to pay the cost of construction and installation of the  
16        extensions and additions to its waterworks, the City shall issue  
17        its revenue bonds under and pursuant to the provisions of this  
18        ordinance and said Act, which bonds shall be payable only out of  
19        the special Bond and Interest Redemption Account herein provided  
20        for, and shall be designated as "Waterworks Revenue Bonds of 1978".  
21        Said bonds shall be in a principal amount not exceeding Eighteen  
22        Million Dollars (\$18,000,000), in the denomination of Five Thousand  
23        Dollars (\$5,000) each, numbered consecutively from 1 up, dated as  
24        of the first day of the month in which said bonds are sold, and  
25        shall bear interest at a rate or rates not exceeding six and  
26        one-half per cent (6-1/2%) per annum (the exact rate or rates to  
27        be determined by bidding), which interest shall be payable semi-  
28        annually on January 1 and July 1 of each year, beginning on  
29        ~~July~~  
~~January~~ 1, 1979, and shall be evidenced by coupons attached to  
30        said bonds. Both bonds and interest coupons shall be payable at  
31        the Indiana Bank and Trust Company of Fort Wayne, in the City of  
32        Fort Wayne, Indiana, or, at the option of the holder, at the  
33        American National Bank and Trust Company of Chicago, in the City  
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1 of Chicago, Illinois, or at the Manufacturers Hanover Trust Company  
2 in the Borough of Manhattan, City and State of New York, in lawful  
3 money of the United States of America, and said bonds shall mature  
4 serially on January 1 in the years and amounts as follows:

	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
6	1980	310,000	1988	525,000	1996	865,000
	1981	330,000	1989	560,000	1997	915,000
7	1982	345,000	1990	595,000	1998	970,000
	1983	370,000	1991	635,000	1999	965,000
8	1984	390,000	1992	675,000	2000	1,025,000
	1985	425,000	1993	720,000	2001	1,555,000
9	1986	455,000	1994	770,000	2002	1,650,000
	1987	490,000	1995	820,000	2003	1,640,000

10 The bonds of this issue maturing on January 1, 1990, and  
11 thereafter, shall be redeemable at the option of the City, in whole  
12 or in part, in inverse chronological order of maturity and by lot  
13 within a maturity, on July 1, 1989, or any interest payment date  
14 thereafter, at face value, together with the following premiums:  
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16       3% if redeemed on July 1, 1989, or thereafter on  
17       or before January 1, 1991;

18       2% if redeemed on July 1, 1993, or thereafter on  
19       or before January 1, 1996;

20       1% if redeemed on July 1, 1996, or thereafter prior  
21       to maturity;

22 plus in each case accrued interest to the date fixed for redemption  
23 Notice of such redemption shall be published at least thirty (30)  
24 days prior to the date fixed for redemption at least one time in  
25 a newspaper or financial journal of general circulation published  
26 in the City of Indianapolis, Indiana, and a financial journal of  
27 general circulation published in the City of New York, New York,  
28 and a like notice shall be sent by mail to the holders of such  
29 bonds as are then registered. The notice shall specify the date  
30 and place of redemption and the serial numbers of the bonds called  
31 for redemption. Interest on the bonds so called for redemption  
32 shall cease on the date fixed in said notice, if funds are available  
33 at the place of redemption to redeem the bonds when presented.

34       Section 5. Said bonds shall be executed in the name of  
35 the City by the facsimile signature of the Mayor, countersigned by

1 the facsimile signature of the City Controller, and attested by  
2 the manual signature of the City Clerk, who shall affix the seal  
3 of the City to each of said bonds. The interest coupons attached  
4 to said bonds shall be executed by placing thereon the facsimile  
5 signatures of the Mayor and City Controller, and said officials,  
6 by the execution of said bonds, shall adopt as and for their own  
7 proper signatures their facsimile signatures appearing on said  
8 coupons. In case any officer whose signature appears on the bonds  
9 and coupons shall cease to be such officer before the delivery of  
10 such bonds, his signature shall nevertheless be valid and suffi-  
11 cient for all purposes the same as if such officer had remained in  
12 office until such delivery.

13                   Said bonds shall be negotiable by delivery unless regis-  
14 tered. Upon presentation of the bonds at the office of the City  
15 Controller in the City of Fort Wayne, said City Controller shall  
16 register said bonds without charge or expense to the holder, as to  
17 the principal thereof. Such registry shall be noted on the bond,  
18 after which no transfer thereof will be valid unless made by the  
19 registered owner in person or by his attorney duly authorized and  
20 similarly noted on the bond, but said bond may be discharged from  
21 registry by being in like manner transferred to bearer, after which  
22 it shall be transferable by delivery but may be again registered  
23 as before. The registration of any bond shall not affect the  
24 negotiability of the interest coupons attached thereto, but such  
25 coupons shall continue to pass by delivery only and shall remain  
26 payable to bearer.

27                   Section 6. The form and tenor of said bonds, the inter-  
28 est coupons to be attached thereto, and the form of registry  
29 endorsement thereon shall be substantially as follows, to-wit:

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UNITED STATES OF AMERICA  
State of Indiana County of Allen

CITY OF FORT WAYNE  
WATERWORKS REVENUE BOND OF 1978

The City of Fort Wayne, in Allen County, State of Indiana, for value received, hereby promises to pay to the bearer, or if this bond be registered then to the registered holder hereof, solely out of the special revenue fund hereinafter referred to, the principal amount of

FIVE THOUSAND DOLLARS

on the first day of January, 19   (unless this bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon from the date hereof until the principal is paid, at the rate of                    per cent (           %) per annum, payable semi-annually on the first day of January and July of each year, beginning ~~January~~ July 1, 1979, but only upon presentation and surrender of the annexed interest coupons as they severally become due.

Both principal and interest of this bond are payable in lawful money of the United States of America, at the Indiana Bank and Trust Company of Fort Wayne, in the City of Fort Wayne, Indiana, or, at the option of the holder, at the American National Bank and Trust Company of Chicago, in the City of Chicago, Illinois, or at the Manufacturers Hanover Trust Company, in the Borough of Manhattan, City and State of New York.

This bond is one of an authorized issue of thirty-six hundred (3,600) bonds of the City of Fort Wayne, of like date, denomination, tenor and effect, except as to rates of interest and dates of maturity, in the total amount of Eighteen Million Dollars (\$18,000,000), numbered consecutively from 1 to 3600 inclusive, issued for the purpose of providing funds to pay the cost of extensions and additions to the municipally owned waterworks of said City, pursuant to an ordinance passed by the Common Council of said City on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, entitled "An Ordinance of the City of Fort Wayne, Indiana, concerning the construction of extensions and additions to the waterworks system owned and operated by said City, authorizing the issuance of revenue bonds to provide for the cost thereof, and matters connected therewith", and in strict compliance with the provisions of the governing statutes, particularly Title 19, Article 3, Chapter 17 of the Indiana Code of 1971, and all laws amendatory thereof or supplemental thereto.

The Principal of and interest on this bond and all other bonds of said issue, certain Waterworks Revenue Bonds of 1967, now outstanding in the principal amount of Two Million ~~Four~~ <sup>145</sup> Hundred ~~Four~~ <sup>145</sup> Five Thousand Dollars (\$2,445,000) issued under date of November 1, 1967, pursuant to General Ordinance No. G-95-67, as amended by General Ordinances No. G-104-67 and G-110-67, bearing interest at the rate of five per cent (5%) per annum, and maturing over a period ending on January 1, 2000, certain Waterworks Revenue Bonds

1 of 1968, now outstanding in the principal amount of  
2 ~~Three Million Forty Five Thousand Dollars (\$3,450,000)~~<sup>Three Million Forty Five Thousand Dollars (\$3,450,000)</sup>,  
3 issued under date of December 1, 1968, pursuant to,  
4 General Ordinance No. G-29-68, bearing interest at the  
5 rates of five and one-half per cent (5-1/2%) and five  
6 and forty hundredths per cent (5.40%) per annum,  
7 depending on the maturities, and maturing over a period  
8 ending on January 1, 2000, all ranking on a parity here-  
9 with, and any bonds hereafter issued ranking on a parity  
10 therewith, are equally and ratably secured by and consti-  
11 tute a charge upon twenty-seven per cent (27%) of the  
12 gross income and revenues of the municipally owned water-  
13 works of the City, as the same now exists or may hereafter  
14 be improved or extended, which percentage of such income  
15 and revenues is to be deposited in a special account des-  
ignated as the "Bond and Interest Redemption Account".  
The City shall not be obligated to pay said bonds or the  
interest thereon except from said special fund, and  
neither this bond nor the issue of which it is a part  
shall in any respect constitute a corporate indebtedness  
of the City within the provisions and limitations of the  
constitution of the State of Indiana.

12 The bonds of this issue maturing on January 1, 1990,  
13 and thereafter, are redeemable at the option of the City,  
14 in whole or in part, in inverse chronological order of  
15 maturity and by lot within a maturity, on July 1, 1989,  
together with the following premiums:

16 3% if redeemed on July 1, 1989, or thereafter  
17 on or before January 1, 1991;  
2% if redeemed on July 1, 1993 or thereafter  
18 on or before January 1, 1996;  
1% if redeemed on July 1, 1996, or thereafter  
19 prior to maturity;

20 plus in each case accrued interest to the date fixed for  
21 redemption; provided notice of such redemption shall be  
22 given at least thirty (30) days prior to the date fixed  
23 therefor by one publication in a newspaper or financial  
24 journal of general circulation published in the City of  
25 Indianapolis, Indiana, and a financial journal of general  
26 circulation published in the City of New York, New York,  
27 and a like notice be sent by mail to the holders of such  
bonds as are then registered. Interest on the bonds so  
called for redemption shall cease on the redemption date  
fixed in said notice, if sufficient funds are available  
at the place of redemption to redeem the bonds when  
presented in accordance with the terms thereof. The bonds  
so redeemed prior to maturity shall be surrendered for  
cancellation, together with all unmatured interest coupons  
appurtenant thereto.

28 The City covenants that it will, to the fullest  
29 extent permitted by law, fix, maintain and collect an  
aggregate of rates and charges for the services rendered  
30 by the City's waterworks system which will be sufficient  
31 to pay all costs of operation and maintenance of said  
32 system, to provide a proper and adequate depreciation  
33 account, and to create and maintain the sinking fund  
required for the payment of the interest on and principal  
34 of this issue of bonds and all other bonds payable from the  
35 revenues of the City's waterworks system, in accordance  
with the terms thereof, and that it will in all other respects

1 faithfully comply with all other provisions of the  
2 ordinance and statute pursuant to which this bond is  
3 issued. In the event the City shall make any default  
4 in the payment of the principal of or interest on this  
5 bond, the holder hereof shall have all of the rights  
6 and remedies provided by the governing statutes,  
7 including the right to compel the collection of suffi-  
8 cient rates and charges to provide for the payment of  
9 this bond and the interest thereon in accordance with  
10 the terms hereof.

11 This bond may be registered in the name of the  
12 owner in the manner and with the effect provided in the  
13 ordinance hereinbefore referred to, but unless registered  
14 this bond shall pass by delivery only. The registration  
15 of this bond shall not affect the negotiability of the  
16 interest coupons attached hereto, but said coupons shall  
17 continue to pass by delivery merely and shall remain  
18 payable to bearer.

19 It is hereby certified and recited that all acts,  
20 conditions and things required to be done or to exist  
21 precedent to and in the execution, issuance and delivery  
22 of this bond have been done and performed and exist in  
23 regular and due form as provided by law.

24 IN WITNESS WHEREOF, the City of Fort Wayne, in  
25 Allen County, State of Indiana, has caused this bond to  
26 be executed in its corporate name by the facsimile signature  
27 of its duly elected, qualified and acting Mayor, counter-  
28 signed by the facsimile signature of its duly appointed  
29 City Controller, its corporate seal to be hereunto affixed  
30 and attested by the manual signature of its duly elected,  
31 qualified and acting City Clerk, and the interest coupons  
32 attached hereto to be executed by placing thereon the  
33 facsimile signatures of said Mayor and City Controller,  
34 all of the first day of \_\_\_\_\_, 1978.

35 CITY OF FORT WAYNE  
By \_\_\_\_\_ (facsimile)  
36 Mayor

37 Countersigned:  
38 \_\_\_\_\_ (facsimile)  
39 City Controller

40 Attest:

41 City Clerk

42 (Interest Coupon)

43 Coupon No. \_\_\_\_\_

44 \$ \_\_\_\_\_

45 On \_\_\_\_\_ 1, 19 \_\_\_\_\_  
46 (unless the bond herein mentioned shall be subject to and  
47 shall have been called for previous redemption), the City  
48 of Fort Wayne, Indiana, will pay to bearer at the Indiana  
49 Bank and Trust Company of Fort Wayne, in the City of Fort  
50 Wayne, Indiana, or, at the option of the holder, at the  
51 American National Bank and Trust Company of Chicago, in  
52 the City of Chicago, Illinois, or the Manufacturers  
53 Hanover Trust Company, in the Borough of Manhattan, City  
54 and State of New York, out of its waterworks Bond and  
55 Interest Redemption Account, the amount shown hereon, in  
56 lawful money of the United States of America, being the  
57 interest then due on its Waterworks Revenue Bond of 1978,  
58 dated \_\_\_\_\_ 1, 1978, No. \_\_\_\_\_.

CITY OF FORT WAYNE  
By \_\_\_\_\_ (facsimile)  
Mayor

City Controller (facsimile)

REGISTRATION ENDORSEMENT

This bond can be registered only at the office of the City Controller of the City of Fort Wayne, Indiana. No writing hereon except by the City Controller.

Date of Registry      In Whose Name      Registered      City Controller

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Section 7. The City Controller is hereby authorized and directed to have said bonds and coupons prepared, and the Mayor, City Controller and City Clerk are hereby authorized and directed to execute said bonds and the coupons to be attached thereto in the form and manner hereinbefore provided. The City Controller shall sell said bonds at public sale. Prior to the sale of the bonds, the City Controller shall cause to be published a notice of sale once each for two weeks in the Fort Wayne Journal Gazette and the Fort Wayne News-Sentinel, published in the City of Fort Wayne. The City Controller shall be authorized to publish said notice or a summary thereof in The Indianapolis Commercial, published in the City of Indianapolis, Indiana, and in the Bond Buyer, published in the City and State of New York. The City Controller shall be authorized to make such additional publication as he shall deem advisable. The date fixed for the sale shall not be earlier than seven (7) days after the last of said publications. The bond sale notice shall state the time and place of sale, the total amount of bonds, the maximum rate of interest thereon, the maturities thereof, the purpose for which the bonds are being issued, the terms and conditions upon which bids will be received and the sale made, and shall set out such other information as the City Controller, acting on the advice of the City Attorney and bond

1       counsel, shall deem necessary. All bids for said bonds shall be  
2       sealed and shall be presented to the City Controller at his office.  
3       Bidders shall be required to bid for all of the bonds and to name  
4       the rate or rates of interest which the bonds are to bear, not  
5       exceeding the maximum rate hereinbefore fixed. Such interest  
6       rate or rates shall be in multiples of one-eighth (1/8) or  
7       one-tenth (1/10) of one per cent (1%), and not more than four (4)  
8       different interest rates shall be named by each bidder. A rate  
9       may be repeated without constituting a different rate. Bids  
10      specifying two or more interest rates shall also specify the amount  
11      and maturities of the bonds bearing each rate, but all bonds  
12      maturing on the same date shall bear the same rate. Each bid  
13      shall be accompanied by a certified or cashier's check, payable to  
14      the City of Fort Wayne, in the amount of One Hundred Thousand  
15      Dollars (\$100,000), as a guarantee of good faith. In the event  
16      the successful bidder shall fail or refuse to accept delivery of  
17      said bonds in accordance with his bid and the notice of sale,  
18      then said check and the proceeds thereof shall be the property of  
19      the City as its agreed liquidated damages. The City Controller  
20      shall award the bonds to the highest qualified bidder. The  
21      highest bidder shall be the one who offers the lowest net interest  
22      cost to the City, to be determined by computing the total interest  
23      on all of the bonds to their maturities and deducting therefrom  
24      the premium bid, if any. No bid for less than the par value of  
25      said bonds, including interest accrued to the date of delivery,  
26      shall be considered. The City Controller shall have the right to  
27      reject any and all bids. In the event no acceptable bid is  
28      received at the time fixed in said notice for the sale of said  
29      bonds, the City Controller shall be authorized to continue to  
30      receive bids from day to day thereafter for a period of not to  
31      exceed thirty (30) days without readvertisement; provided, however,  
32      that if said sale be continued, no bid shall be accepted which is  
33      lower than the highest bid received at the time fixed for said  
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1        sale in the bond sale notice. Prior to the delivery of said bonds  
2        the City Controller shall obtain a legal opinion as to the validity  
3        of the bonds from Ice Miller Donadio & Ryan, bond counsel of  
4        Indianapolis, acting as bond counsel for the City, and shall  
5        furnish such opinion to the purchaser of the bonds. The fee of  
6        such bond counsel and all other incidental expenses incurred in  
7        connection with the issuance of the bonds authorized by this  
8        ordinance shall be paid out of the proceeds of said bonds.

9               Section 8. In the event it shall be hereafter determined  
10        that it is not necessary to issue all of the bonds authorized by  
11        this ordinance, or the Public Service Commission shall not approve  
12        the issuance of said total amount of bonds, the City Controller  
13        shall be authorized to sell and deliver a lesser amount of bonds  
14        than herein authorized, in which case the bonds not sold or  
15        delivered shall be of the last maturity or maturities.

16               The bonds herein authorized, when fully paid for and  
17        delivered to the purchaser, shall be the binding and special  
18        obligations of the City, payable out of the income and revenues of  
19        the waterworks system of said City according to their tenor and  
20        effect, and the proceeds derived from the sale of said bonds shall  
21        be and are hereby set aside for the purpose of paying the cost of  
22        construction and installation of the aforesaid extensions and  
23        additions to said waterworks and the expense necessarily incurred  
24        in connection with the issuance and sale of the bonds. The proper  
25        officers of the City are hereby directed to draw all proper and  
26        necessary warrants, and to do all acts and things which may be  
27        necessary to carry out the provisions of this ordinance.

28               Section 9. Any accrued interest and any premium  
29        received at the time of the delivery of the bonds shall be deposited  
30        in the Bond and Interest Redemption Account hereinbefore referred  
31        to. The remaining proceeds from the sale of the bonds shall, upon  
32        receipt, be deposited in a bank or banks which are legally  
33        designated and qualified depositories for the funds of the City,

1       in a special account or accounts to be designated as "City of  
2       Fort Wayne, 1978 Waterworks Construction Account". The funds in  
3       each of such special accounts shall be deposited, ~~secured~~, and  
4       held, or invested as provided by the laws of the State of Indiana  
5       relating to the depositing, securing and holding, or investing  
6       of public funds. The funds in such special account or accounts  
7       and any income derived from the investment thereof shall be  
8       expended only for the purpose of paying the cost of the extensions  
9       and additions to said waterworks as herein authorized, the  
10      incidental expenses incurred in connection therewith and with the  
11      issuance of bonds, including legal fees, and for the payment of  
12      interest accruing on the bonds during the period of construction,  
13      if required for that purpose. Any balance or balances remaining  
14      unexpended in such special account or accounts after the completion  
15      of the work, which are not required to meet unpaid obligations  
16      incurred in connection with the construction of the work, shall be  
17      deposited in the Bond and Interest Redemption Account within  
18      sixty (60) days after completion of the project.

19           Section 10. The City shall keep proper books of records  
20      and accounts, separate from all of its other records and accounts,  
21      in which complete and correct entries shall be made showing all  
22      revenues collected from said waterworks and deposited in the  
23      special accounts hereinbefore established and all disbursements  
24      made therefrom and all transactions relating to said waterworks.  
25      There shall be prepared and furnished to the original purchaser  
26      of the bonds, and, upon written request, to any holder of the bonds  
27      not more than sixty (60) days after the close of each annual  
28      fiscal period, operating and income statements and balance sheets  
29      of the waterworks, in reasonable detail, covering such annual  
30      fiscal period, together with a statement of the balances as of the  
31      close of such fiscal year in each of the accounts hereinbefore  
32      referred to in this ordinance, which statements shall be prepared  
33      by an independent certified public accountant. Such annual  
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1 statements shall also include the comments of said accountant  
2 relative to the manner in which the City has carried out the  
3 requirements of this ordinance and any other ordinances authorizing  
4 then outstanding bonds. The fees or charges of such accountant  
5 shall be deemed to be a cost of operation and maintenance of the  
6 waterworks. Copies of all such statements and reports shall at  
7 all times be kept on file in the office of the City Controller.  
8 Any holder of the bonds shall have the right at all reasonable  
9 times to inspect the waterworks and the records, accounts and data  
10 of the City relating thereto. Such inspections may be made by  
11 representatives duly authorized by written instrument.

12 Section 11. The City shall, to the fullest extent  
13 permitted by law, establish, maintain and collect reasonable and  
14 just rates and charges for the services and facilities afforded by  
15 said waterworks which will provide revenues at least sufficient to  
16 pay the reasonable and proper cost of the maintenance and operation  
17 of the waterworks, to provide a proper and reasonable depreciation  
18 account, and to pay the principal of and interest on all bonds  
19 payable from the revenues of the waterworks as the same become due,  
20 and provide a surplus or margin of ten per cent (10%) of the  
21 principal and interest due each year, which shall be cumulative.  
22 So long as any of the bonds herein authorized are outstanding,  
23 none of the facilities and services afforded by said waterworks  
24 shall be furnished without a reasonable and just charge being made  
25 therefor. The reasonable value of any service rendered to the  
26 City, or to any department, agency or instrumentality thereof,  
27 including the use of water for hydrants for fire protection or  
28 for any other purpose, shall be charged against the City and shall  
29 be paid for as the charges accrue, and the revenues so received  
30 shall be deemed to be revenues derived from the operation of the  
31 waterworks and shall be used and accounted for in the same manner  
32 as other revenues derived from the operation of the waterworks.

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Section 12. The City reserves the right to authorize and issue additional bonds, payable out of the revenues of the waterworks, ranking on a parity with the bonds authorized by this ordinance, for the purpose of financing the cost of future construction, additions, extensions and improvements to the waterworks, or the refunding of bonds payable from the revenues of the waterworks, subject to the following conditions:

(a) The interest on and principal of all bonds payable from the revenues of the waterworks shall have been paid to date in accordance with the terms thereof, and all required payments into the Bond and Interest Redemption Account have been made in accordance with the provisions of this ordinance.

(b) (1) The amount of gross revenues of the waterworks allocated by Section 3(c) of this ordinance to and deposited in the Bond and Interest Redemption Account in the calendar year immediately preceding the issuance of any such additional parity bonds shall be not less than one hundred twenty-five per cent (125% of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds; or

(2) Prior to the issuance of said parity bonds, the proportion of the gross revenues allocated to said Bond and Interest Redemption Account shall be increased sufficiently so that said increased proportion applied to the previous calendar year's gross revenues would have produced revenues in said Bond and Interest Redemption Account for said year equal to not less than one hundred twenty-five per cent (125%) of the maximum annual interest and principal requirements of the then outstanding bonds and the additional parity bonds proposed to be issued, during the life of said outstanding bonds; or

(3) Prior to the issuance of said parity bonds, the water rates and charges shall be increased sufficiently and the proportion of gross revenues allocated to said Bond and Interest

1      Redemption Account increased sufficiently so that said increased  
2      water rates and charges applied to the previous calendar year's  
3      operations would have produced gross revenues in an amount so that  
4      the proportion allocated to said Bond and Interest Redemption  
5      Account for said year would have equaled not less than one hundred  
6      twenty-five per cent (125%) of the maximum annual interest and  
7      principal requirements of the then outstanding bonds and the  
8      additional parity bonds proposed to be issued, during the life of  
9      said outstanding bonds.

10     For the purposes of this subsection, the records of the  
11    waterworks shall be analyzed and all showings shall be prepared  
12    by an independent certified public accountant employed by the City  
13    for that purpose, which accountant shall certify that he has no  
14    pecuniary interest in the financing of the waterworks or improve-  
15    ments thereto other than in the making of said analysis and the  
16    preparation of said showings.

17     (c) The principal of the additional parity bonds shall  
18    be payable annually on January 1 and the interest semi-annually  
19    on January 1 and July 1 in the years in which principal and interest  
20    are payable.

21     (d) To the extent required by law, the issuance of the  
22    proposed additional parity bonds and any necessary increase in  
23    water rates and charges shall have been approved by the Public  
24    Service Commission of Indiana, or such successor body, if any, as  
25    may be vested by law with authority to approve the issuance of  
26    bonds payable from the revenues of municipal waterworks and  
27    increases in rates and charges for the services afforded thereby.

28     Parity bonds may also be issued to refund less than all  
29    of the then outstanding bonds issued pursuant to this ordinance  
30    or ranking on a parity therewith, but any such refunding bonds  
31    shall be subject to the conditions in this section unless the  
32    bonds being refunded mature within three (3) months of the date  
33    of such refunding and no other funds are available to pay such  
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1 maturing bonds. In computing the maximum annual interest and  
2 principal requirements pursuant to subsection (b), the interest  
3 on and principal of the refunding bonds shall be substituted for  
4 the interest on and principal of the bonds being refunded.

5 Section 13. For the purpose of further safeguarding  
6 the interests of the holders of the bonds, it is specifically  
7 provided as follows:

8 (a) All construction contracts shall be let to  
9 responsible contractors who shall be required to furnish construc-  
10 tion bonds in an amount equal to one hundred per cent (100%) of the  
11 amount of such contracts, to insure the completion of such contracts  
12 in accordance with their terms, and such contractors shall be  
13 required to carry such employer's liability and public liability  
14 insurance as are required under the laws of the State of Indiana  
15 in the case of public contracts.

16 (b) The extensions and additions shall be contracted  
17 for and constructed to the approval of the McNamee, Porter and  
18 Seeley, consulting engineers of Ann Arbor, Michigan, now employed  
19 by the City, or such other consulting engineers as may be hereafter  
20 employed by the City. All estimates for work done and material  
21 furnished shall first be checked by the consulting engineers before  
22 being approved by the City.

23 (c) The City shall, at all times, maintain said  
24 waterworks in good condition and operate the same in an efficient  
25 manner and at a reasonable cost.

26 (d) So long as any of the bonds herein authorized are  
27 outstanding, the City shall maintain insurance on the insurable  
28 parts of the waterworks of a kind and in an amount such as is  
29 usually carried by private companies engaged in a similar type of  
30 business. All insurance shall be placed with responsible insur-  
31 ance companies qualified to do business in the State of Indiana,  
32 and any insurance proceeds collected shall be used in replacing  
33 the property destroyed or damaged, or if not needed for that  
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1        purpose, shall be placed in the Depreciation Account.

2                (e) So long as any of the bonds herein authorized are  
3        outstanding, the City shall not mortgage, pledge or otherwise  
4        encumber its waterworks or any part thereof, and shall not sell,  
5        lease or otherwise dispose of any portion thereof except such  
6        equipment which may become worn out or obsolete, and shall be  
7        replaced; nor shall the City, except as provided in Section 12  
8        hereof, execute or issue any additional bonds or other obligations  
9        pledging any portion of the revenues of said waterworks unless the  
10       same be made subordinate and junior in all respects to the bonds  
11       heretofore issued and the bonds herein authorized, or unless all  
12       of the bonds herein authorized are redeemed and cancelled  
13       coincidentally with the delivery of such additional bonds or  
14       other obligations, or the bonds have been duly called for redemp-  
15       tion and funds sufficient to effect such redemption are available  
16       and set aside at the place of redemption at the time of issuance  
17       of such additional bonds.

18                (f) The provisions of this ordinance shall be construed  
19        to create a trust in the proceeds derived from the sale of the  
20       bonds herein authorized, for the uses and purposes herein set  
21       forth, and so long as any of said bonds are outstanding, the  
22       provisions of this ordinance shall also be construed to create a  
23       trust in the fixed proportion of the revenues of the waterworks  
24       herein directed to be set apart and paid into the Bond and Interest  
25       Redemption Account for the uses and purposes of said account as in  
26       this ordinance set forth.

27                (g) The provisions of this ordinance shall constitute  
28        a contract by and between the City of Fort Wayne and the holders  
29        of the bonds herein authorized, all of the terms of which shall be  
30        enforceable in law or in equity, and after the issuance of the  
31       bonds this ordinance shall not be repealed or amended in any  
32        respect which will adversely affect the rights and interests of  
33        the holders of said bonds, nor shall the Common Council of the City  
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1 adopt any law, ordinance or resolution in any way adversely  
2 affecting the rights of such holders so long as any of the bonds  
3 or the interest thereon remain unpaid. The holders of the bonds  
4 shall have all of the rights, remedies and privileges, either  
5 expressly set forth in the provisions of IC 1971, 19-3-17, and  
6 the laws amendatory thereof and supplemental thereto, or implied  
7 therein, including the right to compel the collection of sufficient  
8 rates and charges to provide for the payment of the bonds issued  
9 hereunder and the interest thereon.

10 (h) None of the provisions of this ordinance shall be  
11 construed as requiring the expenditure of any funds of the City  
12 derived from any sources other than the proceeds of said bonds  
13 and the revenues derived from the operation of said waterworks  
14 system, and said bonds shall not in any respect constitute general  
15 obligations of the City in its corporate capacity. Sums paid and  
16 to be paid by the City to its waterworks as hydrant rental and  
17 for water furnished shall be deemed to be payments by the City of  
18 services rendered. The revenues so ~~received~~ <sup>received</sup> by the waterworks  
19 shall be deemed revenues derived from the operation of the water-  
20 works.

21 Section 14. Subject to the terms and provisions con-  
22 tained in this section, and not otherwise, the holders of not less  
23 than sixty-six and two-thirds per cent (66-2/3%) in aggregate  
24 principal amount of the bonds issued pursuant to this ordinance  
25 and then outstanding shall have the right from time to time,  
26 anything contained in this ordinance to the contrary notwithstanding,  
27 to consent to and approve the adoption by the Common Council  
28 of the City of Fort Wayne of such ordinance or ordinances  
29 supplemental hereto, as shall be deemed necessary or desirable  
30 by the City of Fort Wayne for the purpose of modifying, altering,  
31 amending, adding to or rescinding in any particular, any of the  
32 terms or provisions contained in this ordinance, or in any  
33 supplemental ordinance; provided, however, that nothing herein  
34  
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contained shall permit or be construed as permitting:

(a) An extension of the maturity of the principal of or interest on any bond issued pursuant to this ordinance; or

(b) A reduction in the principal amount of any bond or the redemption premium or the rate of interest thereon; or

(c) The creation of a lien upon or a pledge of the revenues of the waterworks ranking prior to the pledge thereof created by this ordinance; or

(d) A preference or priority of any bond or bonds issued pursuant to this ordinance over any other bond or bonds issued pursuant to the provisions of this ordinance; or

(e) A reduction in the aggregate principal amount of the bonds required for consent to such supplemental ordinance.

The holders of not less than sixty-six and two-thirds per cent (66-2/3%) in aggregate principal amount of the bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the City Clerk of the City of Fort Wayne. No holder of any bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Common Council of the City of Fort Wayne from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and

1 obligations under this ordinance of the City of Fort Wayne and all  
2 holders of bonds issued pursuant to the provisions of this  
3 ordinance then outstanding, shall thereafter be determined  
4 exercised and enforced in accordance with this ordinance, subject  
5 in all respects to such modifications and amendments. Notwith-  
6 standing anything contained in the foregoing provisions of this  
7 ordinance, the rights and obligations of the City and of the holders  
8 of the bonds authorized by this ordinance, or any supplemental  
9 ordinance, may be modified or altered in any respect with the  
10 consent of the City of Fort Wayne and the consent of the holders  
11 of all the bonds issued pursuant to this ordinance then outstand-  
12 ing.

13 Section 15. All ordinances and parts of ordinances  
14 in conflict herewith are hereby repealed; provided, however, that  
15 none of the provisions of this ordinance shall be so construed as  
16 to repeal or modify the provisions of General Ordinances No.  
17 G-95-67, as amended by General Ordinances No. G-104-67 and No.  
18 G-110-67 and General Ordinance No. G-29-68, so as to affect  
19 adversely the rights, interests or priorities of the holders of  
20 the outstanding revenue bonds issued pursuant to said ordinances.

21 Section 16. This ordinance shall be in full force and  
22 effect from and after its passage.

23  
24  
25 Councilman

26 Read the third time in full and on motion by \_\_\_\_\_  
27 \_\_\_\_\_, seconded by \_\_\_\_\_,  
28 and duly adopted, placed on its passage. Passed on the following  
29 vote:  
30

31 Ayes:

32 Nays:

33 Absent:

Date:

34 City Clerk  
35

Passed and adopted by the Common Council of the City of  
Fort Wayne, Indiana, as Ordinance No. \_\_\_\_\_ on the \_\_\_\_\_ day  
of \_\_\_\_\_, 197 .

Presiding Officer

Attest:

---

City Clerk

Presented by me to the Mayor of the City of Fort Wayne,  
Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at the hour of  
\_\_\_\_\_. M., E.S.T.

City Clerk

Approved and signed by me this \_\_\_\_\_ day of  
\_\_\_\_\_, 197\_\_\_\_, at the hour of \_\_\_\_\_

Mayor

BILL NO. G-78-05-28

*General*

ORDINANCE NO. ~~G-78-05~~

G-27-78

09-76

An Ordinance amending General Ordinance No. G-~~78-05~~ establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith.

WHEREAS, the Common Council of the City of Fort Wayne has authorized the making of extensions and additions to the existing waterworks system of said City for the purpose of providing an adequate water supply of desirable quality and at proper pressure to the users of the City's waterworks and properly protecting the health, well-being and property of said City and its inhabitants and water users; and

WHEREAS, in order to procure the necessary funds to pay the cost of construction and installation of said extensions and additions, it is necessary for the City to issue and sell waterworks revenue bonds payable solely out of the revenues of said waterworks system, which revenues under the existing schedule of rates and charges are insufficient to enable the City to finance the needed extensions and additions; and

WHEREAS, the Common Council now finds that the existing rates and charges for the use of and service rendered by the waterworks of said City are too low and are insufficient to enable the City to properly operate its waterworks plant, provide for depreciation, and finance said extensions and additions; that the proposed extensions and additions will improve the service rendered by said waterworks system and make the same of greater value to the City, its inhabitants and water users, and that the existing rates and charges should be increased; now therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

Section 1. That Section 1 of the General Ordinance

No. 09-76, entitled "An Ordinance establishing rates and charges for the use of and services rendered by the waterworks system of the City of Fort Wayne, and repealing all ordinances or parts of ordinances in conflict therewith", adopted March 9, 1976, be and the same is hereby amended to read as follows:

Section 1. That there shall be and hereby are established for the use of and the service rendered by the waterworks system of the City of Fort Wayne the following rates and charges based on the use of water supplied by said waterworks system:

(a) Metered Rates Per Month 100 Cubic Feet

First	500 cubic feet	\$ .912
Next	1,500 cubic feet	.703
Next	2,500 cubic feet	.587
Next	7,500 cubic feet	.541
Next	18,000 cubic feet	.464
Next	20,000 cubic feet	.394
Next	50,000 cubic feet	.348
Next	50,000 cubic feet	.278
Over	150,000 cubic feet	.255

(b) Minimum Charges

Each user shall pay a minimum monthly charge based on the size of meter installed, for which the user will be entitled to the quantity of water set out in the metered schedule of rates.

Size of Meter Per Month

5/8	inch	\$ 4.56
3/4	inch	7.11
1	inch	11.59
1-1/2	inch	23.11
2	inch	35.55
3	inch	71.11
4	inch	118.33
6	inch	224.84
8	inch	328.80
10	inch	493.11

(c) Municipal Service to the City of Fort Wayne

For each fire hydrant - per annum \$ 151.49

(d) Private Fire Protection Service

Per annum - Fire Hydrant	\$ 151.49
2 inch	27.51
3 inch	62.88
4 inch	112.66
6 inch	255.45

8 inch	453.26
10 inch	707.40
12 inch	1,020.49
16 inch	1,813.04

(e) All Charges for service to customers situated outside the corporate limits of the City of Fort Wayne having availability for all of the foregoing tariffs shall be one hundred thirty-five per cent (135%) of the charges computed by application of the foregoing tariffs.

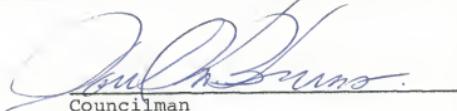
(f) Collection or Deferred Payment Charge

All bills for water services not paid within fifteen (15) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.

Section 2. Utility rates and regulations for water services shall be determined from time to time as the need may occur by the Board of Public Works of the City of Fort Wayne.

Section 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed; provided, however, that the existing schedule of water rates and charges shall remain in full force and effect until the schedule of rates and charges fixed by this ordinance shall be approved by the Public Service Commission of Indiana, and until such time as the order of said Commission approving said new rates and charges shall direct.

Section 4. This ordinance shall be in full force and effect from and after its passage; provided, however, that the schedule of rates and charges herein set out shall not become effective unless approved by the Public Service Commission of Indiana, or until such time as said Commission shall direct.

  
\_\_\_\_\_  
Councilman

Read the third time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, \_\_\_\_\_, placed on its passage. Passed by the following vote:

Ayes:

Nays:

Absent:

Date:

\_\_\_\_\_  
City Clerk

Passed and adopted by the Common Council of the City  
of Fort Wayne, Indiana, as Ordinance No. \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 1978.

\_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
City Clerk

Presented by me to the Mayor of the City of Fort  
Wayne, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 1978,  
at the hour of \_\_\_\_\_.M., E.S.T.

\_\_\_\_\_  
City Clerk

Approved and signed by me this \_\_\_\_\_ day of  
\_\_\_\_\_, 1978, at the hour of \_\_\_\_\_.M.,  
E.S.T.

\_\_\_\_\_  
Mayor

Approved as to form and legality by:

*William T. Salin*  
\_\_\_\_\_  
City Attorney

Read the first time in full and on motion by Burns, seconded by

Hinga

, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock M., E.S.T.

DATE: 9/12/78

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Stier, and duly adopted, placed on its passage.

PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>8</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-26-78

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. G-27-78 on the 26th day of September, 1978  
ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th  
day of September, 1978 at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 28th day of September, 1978  
at the hour of 10 o'clock \_\_\_\_\_ M., E.S.T.

Rahul Elamshong  
MAYOR